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THE  
HISTORY  
Of the REIGN of  
*Queen* ANNE,  
Digested into  
ANNALS.  
YEAR the THIRD.

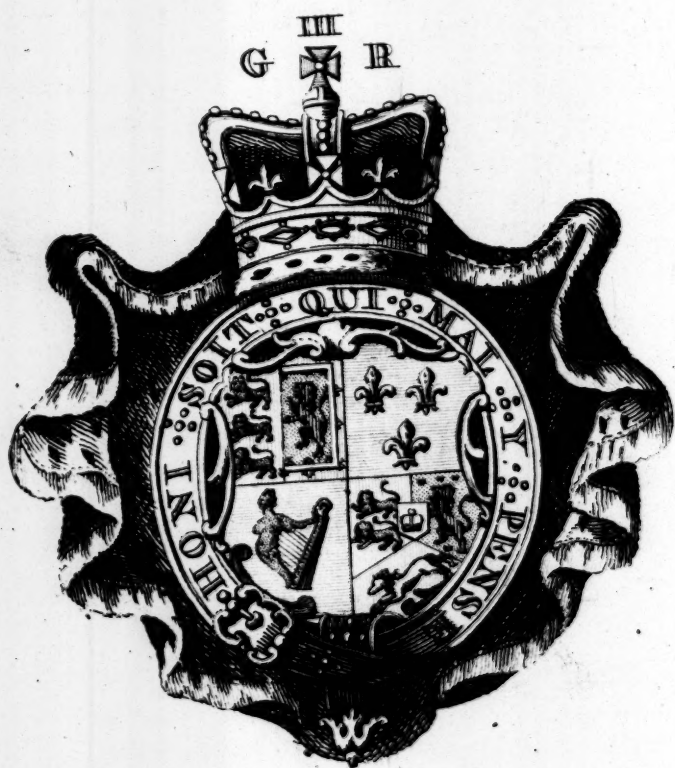
CONTAINING,

The most Memorable Transactions both  
at Home and Abroad: In which are  
Inserted several Valuable Pieces never  
before Printed.

L O N D O N:

Printed for *A. Roper*, at the *Black Boy* against  
*St. Dunstan's Church* in *Fleet-Street*, 1705.





To the Right Honourable  
**SIDNEY** Lord Godolphin,  
Lord High Treasurer of Eng-  
land; One of Her Majesties  
most Honourable Privy-Coun-  
cil; Lord Lieutenant of  
Cornwall; and Knight of  
the most Noble Order of the  
Garter.

My LORD,

**W**Hatever Pretences o-  
ther Authors may  
use to Court the  
Protection of Great Men, I  
hope the Liberty of this Ad-  
dress will find an Excuse, in the  
very Subject Matter of this Vo-  
lume; which is design'd to Per-  
petuate the Memory of the



## *The Dedication.*

Wonderful Events, that have happen'd in the Third Year of Her Majesties Auspicious Reign.

The Universal Applause and Acknowledgments of the whole Empire, the United-Provinces, and the Representatives of this Nation, have set the Duke of *Marlborough's* Atchievements above the Commendation of any Private Writer ; so that all a just Historian can do for His Grace, is, in the plainest Manner, to relate what he has Perform'd ; which, even so related, will carry an Air of Fiction to Posterity : So much it transcends the Actions of the most Celebrated Captains. But, *My Lord*, it would be an unpardonable Fault in a faithful Annalist, not

*The Dedication.*

not to tell the World, what  
large Share your Lordship  
has in the Great Successes A-  
road, by Your Wise Steddy  
Councils, and Provident Admi-  
nistration at Home.

The Marching an *English*  
Army to the *Danube*, to clear  
the Empire of its Foreign and  
intestine Foes, as it was the  
boldest, so it was the most  
national Design that could be  
pursued a Year ago, to Check  
the Invading Power of *France*;  
And as the Admirable Secrecy,  
Celerity, Courage and Con-  
duct, with which that whole  
Enterprize was Executed, will  
certainly raise the Glory of Her  
Majesties Reign to a higher  
pitch, than ever was attain'd to  
by any of Her Royal Predeces-  
sors;



### *The Dedication.*

fors; and Immortalize the Duke of *Marlborough's* Fame, so it will be a never-dying Honour to the Name of *Godolphin*, that Your *Lordship* was one of the Persons, with whom that great Project was concerted, and that impenetrable Secret Entrusted. But that the Nerve of the War did never slacken, during that Long and Glorious Campaign; That the Soldier receiv'd his Constant Pay in those remote, indigent Countries, where Armies are sooner raised, than Moneys to subsist them, is a particular Debt which *England*, and, indeed all *Europe*, owes to Your Lordship's Frugal and Prudent Management of Her Majesty's Treasury.

Th

*The Dedication.*

That Your **LORDSHIP**  
may long Continue to have a  
Share in the Successes and Pro-  
sperities of Her Majesties Reign,  
is the most ardent Wish of,

*My LORD,*

*Your LORDSHIP's,*

*Most Humble, most Faithful,*

*And most Obedient Servant, &c.*

April 23<sup>d</sup>  
1705.

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**Adver-**



## Advertisement.

**I** Shall not Endeavour, by a Pompous Preface to raise the Expectation of the Readers which is already so heighten'd by the many Glorious Events that have happen'd in the Third Year of Her Majesties Reign, that, I cannot but fear, they will find themselves disappointed in the Perusal of these Sheets. I may justly alledge on this Occasion, That Plenty made me Poor: But that Excuse not being like to be accepted, all I can say for my self is, That I have spared neither Pains, Cost nor Industry to be thoroughly informed, from the best Hands both of the Great Actions perform'd Abroad and of the Publick and Secret Transactions at Home. How I have managed those Various Matters in the Narration; and whether I have attain'd the Chief Perfections I pursue, viz **CANDOR** and **IMPARTIALITY**, is wholly left to their Decision, who are Masters of those two Essential Qualifications, both of a Good Historian, and a Good Critick.

THE

# THE ANNALS

OF  
Queen Anne's Reign.

YEAR the THIRD.

A. C.  
1704.

Changes in  
the Court

N O T many Days after the Prorogation of the Parliament, there happen'd great Changes in the Court and Ministry; some of which were not altogether unforeseen unexpected. The Earl of Nottingham, though zealous Defender of the Church of England's Cause, and of the Rights and Prerogatives of the Crown; and yet the Misfortune (common to all great Men in eminent Posts) not to please every Body, many loud, ungracious Reflections had lately been made in the Two Houses, upon his Lordship's Conduct; and though he was † honourably clear'd in 1703. yet it was thought convenient that he should be removed; but in such a manner, as that no mark of Disfavour should remain upon his Lordship: Whereupon he voluntarily resign'd the

and Ministry.  
\* See the  
Votes of the  
House of  
Commons,  
Dec. 17.

† See the  
second Year  
of these An-  
nals, page  
194, 245.  
The Earl of  
Notting-  
ham re-  
signs his  
place of Se-  
cretary of

William Stare.

B



A. C. *William Blathwait, Esq;* had for many Years enjoy'd the Office of Secretary of War, in which he had got a very considerable Fortune: And though *Mr. Blathwait* no Complaint was made against his Conduct, yet her Majesty, as became a tender and prudent Common Parent of her People, justly considering, that beneficial Places ought not to be lodg'd too long in the same Persons, but like fattening and running Streams, enrich several of her deserving Subjects; her Majesty, I say, having first declar'd her self well satisfy'd with *Mr. Blathwait's* Services, thought fit to \* bestow his Place on *Henry St. John, Esq;* a Gentleman of great Parts, who had made himself no less famous in the polite and learned World by his ingenious Compoſures, than by his Eloquent and Loyal Speeches in the House of Commons. About the same time, the Staff of Lord Chamberlain of her Majesty's Household, was † taken from the Earl of *Jersey*, as that of Comptroller was from Sir *Edward Seymour*; and the first bestow'd on the Earl of *Kent*, and the other on *Thomas Mansel, Esq;* The Reasons of which two Changes are too nice and intricate to be well related at present: And therefore I refer them to a more convenient Place and Time. Together with the Earl of *Kent*, and *Mr. Mansel, Robert Harley, Esq;* Speaker to the House of Commons, was sworn of her Majesty's Privy Council, and soon † after named to be one of her Majesty's Principal Secretaries of State; which choice was universally Applauded: His Integrity, and sound Moderate Principles recommending him no less to the People's Esteem, than his Loyalty, Penetration, Vigilance and Indetatigableness to her Majesty's Favour.

† May 16. About a Month before, an Express came \* to *Whitehall* from *Commadore Butler*, Captain of her Majesty's Ship the *Worcester*, dated in the Bay of *Cherbourg* the 8th of April, with an account, That having received advice, that about 35 Sail were come out of *St. Malo*, he stood over with his own Ship, and her Majesty's Ships the *Dunwich* and *Maidstone*, to *Cape Cartwright*, and got sight of them: The *Maidstone* being foremost, chased 21 Sail of them into *Cherbourg*, with two small Ships of War, their Convoys, one of 20, and the other of 22 Guns. Captain *Butler* then made a Signal to the *Dunwich* to stand

stand into the Southward of Grandance Bay, and the Commadore himself stood into the North end of it, and chased the *French* Commadore, a Ship of 22 Guns, and another *French* Frigate of 14, with 8 Sail of Merchant Men, which were all destroyed, the Commadore, and two more being burnt, and the rest sunk: And some *Guernsey* Privateers who were with Commadore *Butler* carried off two Prizes. A Privateer of 8 Guns was taken afterwards by the *Maidstone*, between *Moneville* and *Cherbourg*. Commadore *Butler* soon after took a small Ketch; and with her Majesty's Ships abovenamed came to Anchor before this last Place, and saw the 23 Sail beforemention'd hauled in close under the Castle.

The late Differences between the Lords and Commons had rais'd so great a Ferment in the Nation, that the Parliament had not been long Prorogued, before a Seditious Libel was printed and dispers'd, Entitled *Legion's Humble Address to the Lords*, which was to this Purpose:

*A Seditious  
Libel call'd  
Legion's  
Address  
dispers'd.*

*May it please your Lordships,*

THE Distressed People of *England*, Betrayed and Abused by their Representatives, humbly fly to Your Lordships as the Only Refuge now left them, next under God and Her Majesty, where they can Apply themselves for the Safety of their Liberties, and Redress of the Grievances of the Nation. And that Your Lordships, and all the World may know, that as it is not without great Reason that we come to Your Lordships from that House where all our Safety ought to Depend, and where formerly it did Depend: Accordingly we crave leave humbly to represent to Your Lordships, 1. That there is a Duty incumbent on the People's Representatives, viz. The Care of the Liberties, Properties, and Peace of the Persons they Represent, which they have no Right to part with, or to Expose: And that therefore all the Powers and Rights of us the Represented are not committed to Them our Representers. That whenever a House of Commons shall Part, Expose, Neglect or Suffer to be Infringed, the Liberties, Rights, and Peace of the People they Represent, they betray their Trust, violate the general Reason and Nature,



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of their being chosen, their representing Power and Being ceases of course, and they become from that time forward a Mighty Conventicle, an Unlawful Assembly, and may and ought to be deposed and dismiss by the same Laws of Nature and Right that Oppressed Subjects may, and in all Ages have, deposed Bloody and Tyrannick Princes. 3. It is the undoubted Right and Privilege of the People of *England*, that they are not bound to submit to any Power but what is Legal; and the known Laws of the Land are the stated Bounds of Parliamentary, as well as Regal Power: And the People therefore ought not to be Opprest. On the Breach of these Laws, and oppressing these People, Your Lordships Noble Ancestors have frequently taken Arms, and pull'd down bloody Tyrants, deposing their Power, and rescuing your Country from Slavery and Oppression: And having convey'd to Your Lordships, and us the People of *England*, the Right of being govern'd by known Laws; We have, till now, defended that Right to the Destruction of all those that ever attempted to Invade it; and, under Your Lordships Protection, still resolve to do so, to the last drop of our Blood. As it is the undoubted Right of the People of *England*, that they may not be opprest; so when at any time they suffer'd the Invasion and Depredations of Tyrannick Princes, contrary to that Right, they have always made Legal Claim of their proper Rights and Privileges: And it cannot be Just, that what our Kings have no Right to take away, our Representatives may give without Law; and that the People may endure the Tyranny of 500 Usurpers more than of one, since no Number or Quality of Persons can make that lawful, which in its own Nature is not so. These Things being undeniably True, we can not without great Regret Apply our Selves to Your Lordships; and humbly Represent in our own Names, and in the Names of all the good People of *England*:

1. That 'tis the undoubted Right of all the Burroughs, Cities, and Towns Corporate, who by Prescription, Charter, or other Right, are to chuse Representatives in Parliament, always to do so, unless they are Legally divested of that Right: And that



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that to deprive the Town of *Maidstone*, for now A. C. two Sessions of Parliament, of their Privilege of 1704 sending two Members to Represent them, is Arbitrary and Illegal, contrary to the Privilege and Liberties of *Englishmen*, who can forfeit no Right, but by legal Conviction, Attainder, or Act of Parliament.

2. To Throw out and Put in Members of Parliament at Committees of Elections by Interest of Parties, and positive Vote, not prescribing that Vote by the true Merit of the Case, and plain Majority of the Electors, is destroying the People's Right of Elections, and divesting the Towns of their Privileges, which by Law they ought to enjoy: And that to Vote in such Committees, that 16 Voices of Electors entitles any Person to be a Member of Parliament against 22, is partial, unjust, and destructive of the very Being of Parliaments, and the original Rights of the People of *England*; and has nevertheless been notoriously practised of late in several other Elections, besides those of *Westbury* and *Sudbury*.

3. For the House of Commons to invade the Nation's Judicature, and take from any Freeholder his Right of Action, where the Law gives him the Privilege to right himself, in case of Injury; is betraying the Trust reposed in them by the People of *England*, and exercising the same arbitrary Power they are sent thither to suppress: And no illegal Proceedings of the late King *James*, for which the Commons of *England* deposed and dethron'd him, were more directly against the Constitution of the *English* Government, and the Rights and Liberties of the Subject.

4. To deprive any Freeholder of his Right in Election of Members to serve in Parliament, or to encourage others to do so, as was practised in the case of the Election at *Aylesbury*; is a manifest Invasion of those very Liberties which it is the House of Commons Business to protect and defend. The manifest Distinction of all Votes in the House by Interest and Parties, and not by Merit and real Right, as 'tis too plain is now the Practice of that House; a large Number of Out-lying Members always being in the Speaker's Chamber, or in public

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lick Houses near the House, ready to be call'd in by their Party when a Question is put, who having heard nothing of the Merit of the Case, enquire not after the particulars, but how Sir *John* or Sir *Thomas*, or any Leading Man of the Party Votes. This is a manifest Reproach to the Justice of the Nation, a Scandal to the House of Commons, a slight and neglect of the Trust reposed in them by the People, and betraying the Interest of the Nation. Voting the Prosecution of some Persons, entrusted with the management of the Publick Revenue, but not of others, equally Guilty of Frauds and Ill Practices; is a great Defect of Justice, a Scandalous Partiality, and a Reproach on the Integrity as well as the Duty of the Commons. Resolving to Reassume the Grants of King *William*, on whatsoever merit or valuable Consideration they were made, and at the same time continue the Extravagant Dispositions of former Reigns, in which the stated Revenues of the Crown are alienated to Whores, Bastards and Papists, and the Publick Enemies of the Nation, is a partial and malicious Proceeding, contriv'd to reflect upon his late Majesty, and lessen the value all True *English men* have for his Memory: and shews the Degeneracy in the Principles of the present House of Commons, from those that joyned with that Glorious Monarch in the Redemption of this Nation from Slavery and Arbitrary Government.

8. 'Careless the Queen's Majesty with the Title of a Queen, as sitting on the Throne of her Ancestors by Right of Succession from her Father, when at the same time they know her Majesty's Right depends upon the Validity of Parliament-Limitation, and is built on the Foot of the late Revolution, and the Act of Settlement, is a Barbarous Treachery to the whole Nation, an insolent Affront to her Majesty, an Insinuation of the Title of the Pretended Prince of *Wales*, and a Villainous Attempt to destroy the present Settlement of Succession, and is consequently High Treason by their own Act of Parliament.

9. 'That to Address her Majesty to extend her Prerogative, and thereby to embroil her Majesty with the Privilege of the Peers; is the most aggravated Piece of Treachery that ever House of Commons was, or ever can be Guilty of.



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1. 'As 'tis an Affront to her Majesty, and reproaching her with not knowing how to manage her Government.
2. 'As 'tis a malicious Design on her Person, by persuading her to enter on that very thing, the exorbitant practice whereof was the Ruin and Destruction of her Father and Grandfather.
3. 'As 'tis an apparent meddling with what they have no Power nor Right to touch; excepting only when it encroaches upon, or infringes the People's just Liberties; and then no farther than to cause it to return to its proper Chanel.
4. 'As 'tis a Notorious Discovery of a Treacherous Plot against the People of *England*, to bring the Prerogative of the Prince in Play, and prompt it forward, which has cost the Nation so much Blood and Treasure to Restrain.
5. 'As 'tis the most Unparallel'd, unpresidented Attempt upon the Liberties of the People, who sent them there to protect, settle and defend them, whose Servants they are, and whose Rights and Liberties they cannot expose without the most detestable Perfidy, and degenerating from all the Members that ever sat within those Walls before them.
9. 'As 'tis a terrible Precedent for future Ages, when some Prince of less Honesty may sit on the Throne, who may be with more ease persuaded by a Bias'd and Corrupted House of Commons, to become Tyrants and Advancers of the Prerogative. This being the distressed condition of the Liberties of the Free-born People, now Given up, Deserted, and Expos'd by the House of Commons, whose proper Business and Duty requires them more particularly to defend them; and your Lordships, like the true Posterity of those Noble Ancestors at the Price of whose Blood we receiv'd our Privileges and Liberties, having vigorously and gloriously withstood the Treacherous and Unfaithful Proceedings of these our degenerated Representatives: We cannot but with a deep Sense of Gratitude and Affection, present unto your Lordships, This our *Humble Address*, heartily acknowledging your Lordships Zeal, Courage and Fidelity, both in vindicating your own undoubted Rights, invaded by the same House of Commons; in your diligent



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'Care' for the Safety of her Majesty's Person, in  
'searching after the deeply laid Contrivances of her  
'Enemies in the late Plot; and in your Lordships  
'Asserting the Liberty and Rights of the People of  
'*England*, against the Invasion and Usurpation of the  
'House of Commons: And as these three Heads, in  
'which your Lordships have distinguish'd your selves,  
'to the Immortal Glory of the *English* Nobility, do  
'contain all the material Things which can make  
'this Nation happy; so in your Lordships vigorous  
'defending those three, we cannot but thankfully ac-  
'knowledge your Lordships as the Sanctuary and  
'Safety of this Nation, and the Glorious Instruments  
'of Preserving Her Majesty's Person, and our Just  
'and Undoubted Liberties. And we cannot in Gra-  
'titude but assure your Lordships, That in the fur-  
'ther Pursuit of these Just and Glorious Ends, we,  
'the Injur'd Freeholders and Commons of *England*,  
'will firmly Adhere to, and Faithfully Defend your  
'Lordships, both in your Persons and Authority;  
'We will Maintain Your Lordships in all Your Just  
'and Legal Privileges, and in all the Due Measures  
'you have already taken, or shall further take, in  
'the Defence and Vindication of Your Just Rights,  
'Her Majesty's Person, and our own Liberties. In  
'all which we humbly Assure Your Lordships, that  
'we Resolve, as one Man, to Live and Die with  
'You

*Our Name is Million, and We are more.*

*A Procla-  
mation  
against the  
Author and  
Printer of  
that Libel.*

*The Queen  
goes to  
Windsor.  
May 31.*

*Affairs of  
Scotland.*

The Justices of the Peace for *Gloucestershire*, assem-  
bled at the Quarter-Sessions held for that County,  
having represented to her Majesty the dangerous Con-  
sequences of that Libel: Her Majesty with Advice  
of her Privy Council, caus'd a Proclamation to be \*  
published, for Discovering and Apprehending the  
\* May 25. Author and Printer of that Seditious Paper; and pro-  
mising a reward of 100*l.* for the Discovery of the  
first, and of 50*l.* for the Seizing of the latter. Six  
days after the Queen, with Her Royal Consort, went  
from *St James's* to *Windsor*, were they pass'd most  
part of the Summer Season.

The Lords having in their Address of the 31<sup>st</sup> of  
March, 1704. represented to the Queen, That  
'there

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there had been a dangerous Conspiracy carried on for the Raising of Rebellion in Scotland, and Invading that Kingdom with a French Power, in order to the Subverting of her Majesties Government, both in England and Scotland, and the bringing in the Pretended Prince of Wales; and, That nothing had given so much Encouragement to Her Majesties Enemies, at Home and Abroad, to enter into this detestable Conspiracy, as that after Her Majesty and Her Heirs, the immediate Succession to the Crown of Scotland, was not declared to be in the Princess Sophia, and her Heirs being Protestants; and most humbly besought her Majesty to use her Royal Endeavours, to have the Succession of the Crown of Scotland settled accordingly: The Queen told their Lordships, that she had some time before, declared Her Intentions of Endeavouring the Settlement of the Protestant Succession in Scotland, to Her Servants of that Kingdom, as the most effectual Means for securing their Quiet, and that of England, and the Readiest Way to an entire Union betwixt both Kingdoms, in the perfecting of which it was very desirable no Time should be lost. Pursuant to this Gracious Declaration, the Queen and Her Council, resolved to use all proper Methods to procure the Settlement of the Protestant Succession to the Crown of Scotland, in the ensuing Parliament of that Kingdom. For which purpose it was thought fit to make some changes in the Ministry there. The Duke of Queensberry, Principal Secretary of State, a Person who had been highly Instrumental in the late happy Revolution, and served King William and Her Present Majesty with distinguish'd Loyalty, Faithfulness and Integrity, had nevertheless the misfortune to be brought under Obloquy, only by being over zealous, in maintaining the Establish'd Government, and in Encouraging the Detection of Her Majesties Enemies: And great endeavours were used by the Anti-Revolutioners to asperse both him, and the Marquis of Annandale, Lord President of Her Majesties Privy Council, for endeavouring to bribe one Millie, to depose against the Duke of Hamilton, the Duke of Athol, his Brother the Earl of Clomarty, and other noble Persons, as if they had been in a Plot against her Majesty. But tho', after a full Hearing of the whole matter before the Privy Council, Bailie

*Changes  
in the Mi-  
nistry of  
Scotland.*

was



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was found Guilty of Defamation; declared infamous, banished the Kingdom for Life, and sentenc'd to stand in the Pillory; yet it was thought convenient to remove the Duke of *Queensberry*, and to prefer the Earl of *Clomarty* to his place of Principal Secretary of State: By which change, those who had oppos'd the Settlement of the *Hannover* Succession, in the late Session of Parliament, were suppos'd to be engag'd to promote it in the ensuing Session. About the same time, Sir *David Nairn* was laid aside as Deputy Secretary, and was succeeded by Mr. *Alexander Wedderburn*; Mr. *Philiphaugh* was removed from the Office of Clerk Register, a Post of great Dignity and Trust, which was bestow'd on *James Johnston*, Esq; a Person, who had eminently promoted the late Revolution, and was sometime Secretary of State for Scotland in King *William's* Reign; And not long after, the Marquis of *Tweeddale* was named to be her Majesty's High Commissioner.

The Parliament of Scotland meets.

† July 11.

On the 6th of *July* the Parliament met at *Edinburgh*, and her Majesty's Commission to the Marquis of *Tweeddale*, for Representing her Royal Person in this Session, was Read, and ordered to be Recorded. Five days † after, the Parliament being met again, the Lord High Commissioner presented them the following Letter from Her Majesty.

ANNE R.

My Lords and Gentlemen,

The Queen's Letter to the Parliament.

Nothing has troubled Us more since our Accession to the Crowns of these Realms, than the unsettled State of Affairs in that Our Antient Kingdom.

We hop'd, that the Foundations of Differences and Animosities, that to Our great Regret we discovered among you, did not lie so deep, but that by the methods we have proceeded in, they might have been removed.

But instead of Success in Our Endeavours, the Rent is become wider; Nay, Divisions have proceeded to such a Heighth, as to prove Matter of Encouragement to Our Enemies beyond Sea, to employ their Emissaries among you, in order to Debauch Our good Subjects from their Allegiance, and



'and to render that Our Antient Kingdom, a Scene  
'of Blood and Disorder (meerly as they speak) to  
'make you serve for a Diversion.

'But We are willing to hope, that none of Our  
'Subjects, but such as were Obnoxious to the Laws  
'for their Crimes, or Men of low and desperate  
'Fortunes, or that are otherwise Unconsiderable,  
'have given Ear to such pernicious Contrivances.  
'And We have no reason to doubt of the Assurances  
'given Us by those now Entrusted with Our Autho-  
'rity, that they will use their utmost Endeavours to  
'Convince our People of the Advantage and Ne-  
'cessity of the present Measures ; for We have al-  
'ways been enclined to Believe, That the late mi-  
'stakes did not proceed from any want of Duty and  
'Respect to Us, but only from different Opinions as  
'to measures of Government.

'This being the Case, We are resolved, for the  
'full Contentment and Satisfaction of Our People,  
'to grant whatever can, in reason, be Demanded, for  
'rectifying of Abuses, and quieting the Minds of all  
'Our good Subjects.

'In order to this, We have named the Marquis of  
'Tweddale Our Commissioner, he being a Person of  
'whose Capacity and Probity, or Qualifications and  
'Dispositions to Serve Us and the Country, neither  
'We nor you can have any doubt. And We have  
'fully Empowered him to give you unquestionable  
'Proofs of Our Resolution to maintain the Govern-  
'ment both in Church and State, as by Law Estab-  
'lish'd, in that Our Kingdom ; And to consent to  
'such Laws, as shall be found wanting for the fur-  
'ther Security of both, and preventing all Encroach-  
'ments on the same for the future.

'Thus, having done Our Part, We are perswaded  
'that you will not fail to do yours, but will lay hold  
'on this Opportunity to shew to the World the Sin-  
'cerity of the Professions made to Us, and that it was  
'the True Love of your Country, and the Sense of  
'your Duty to it, and therefore not the want of Du-  
'ty to Us, for We shall always reckon these two in-  
'consistent, that was at the bottom of the late Misun-  
'derstandings.

'The

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'The main thing that We Recommend to you, and which We Recommend to you with all the Earnestness We are capable of, is, The Settling of the Succession in the Protestant Line, as that which is absolutely necessary for your own Peace and Happiness, as well as Our Quiet and Security in all Our Dominions, and for the Reputation of Our Affairs Abroad; and consequently, for the strengthening the Protestant Interest every where.

'This has been our fixed Judgment and Resolution ever since We came to the Crown; And tho' hitherto Opportunities have not answer'd Our Intentions, Matters are now come to that Pass, by the undoubted Evidence of the Designs of our Enemies, that a longer Delay of Settling the Succession in the Protestant Line, may have very dangerous Consequences; and a Disappointment of it would infallibly make that our Kingdom the Seat of War, and expose it to Devastation and Ruin.

'As to Terms and Conditions of Government, with regard to the Successor, We have Impowered our Commissioner to give the Royal Assent to whatever can in reason be Demanded, and is in Our Power to Grant, for securing the Sovereignty and Liberties of that our Antient Kingdom.

'We are now in a War, which makes it necessary to provide for the defence of the Kingdom, the Time of the Funds that were lately given for maintenance of the Land Forces being expired, and the said Funds exhausted, Provision ought also to be made for supplying the Magazines with Arms and Ammunition, and repairing the Forts and Castles, and for the charge of the Frigats, that prove so useful for guarding the Coasts.

'We earnestly Recommend to you, whatever may contribute to the Advancement of true Piety, and the Discouragement of Vice and Immorality; and we doubt not but you will take Care to encourage Trade, and to Improve the Product and Manufactories of the Nation: In all which, and every thing else that can be for the Good and Happiness of Our People, you shall have our hearty and ready Concurrence: We shall only add, That Unanimity and Moderation in all your Proceedings, will be



of great use for bringing to a happy Issue the important Affairs that We have laid before you, and will also be most acceptable to Us: So We bid you heartily farewell.

Given at Our Court at Windsor-Castle, the 25th Day of June, 1704. And of our Reign the Third Year.

After the Reading of this Letter, Her Majesty's High Commissioner made the following Speech.

My Lords and Gentlemen,

YOU have heard the Queen's Gracious Letter; *The High Commissioner's* Her Majesty therein expresses such a Concern for the Good and Welfare of this Nation, and gives such unquestionable Proofs of it, as prevents even your Wishes. I do not in the least doubt, but when you duly consider the Import of this Letter, you will be all of the same mind with me; that it is now in our Power to make our selves and our Posterity happy.

Such indeed are Her Majesty's Gracious Condescensions, that in order to obtain what is for our Good, we need only propose it, provided you do it, as no doubt you will, with the Regard and Defiance that are due to so Gracious a Sovereign, and that in your Demands, you keep within just and reasonable Bounds, and ask nothing but what is in her Majesty's Power to grant.

If there be any thing yet wanting for the better securing our Religion, and the present Church Government, as now by Law Established, or for the suppressing of Vice, and encouraging of Virtue; if any Grievances to be redressed, and new Laws found necessary, as I doubt not but there will; for rectifying of Abuses crept into your Constitution, or Administration of the Government, or any part of it, whether it be the Policy, or Justice, or for removing all Encroachments upon the Sovereignty, or Liberties of this Nation, and the Securing and Preserving these entire, and inviolable to our selves and our Posterity: I am fully Empowered and Instructed not only in all these matters, to give you what rea-



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sonable Satisfaction you can demand ; but likewise in any thing may be proposed for improving of Learning, the advancing of Trade, and encouraging Manufactories : So that in effect nothing hath escap'd Her Majesty's Care, that can any ways contribute to make you a Flourishing and Happy People, she reckoning the Welfare, Peace and Prosperity of her Subjects, the only way to her own Greatness and Happiness.

And yet as if all this were too little, her Majesty extends her Care for you further, in recommending to you, as you have heard, the settling the Succession in the Protestant Line ; and this her Majesty recommends to you with all the Earnestness She is capable of, as that which is absolutely necessary for securing to your selves ; and transmitting to your Posterity, your Religion and Liberties, or whatever else you have, or can have that is valuable. Sure her Majesty can have no concern in this, but the Interest of her People, which does so evidently require the settling of the Succession, and the settling of it at this time, that I hope no true Protestant, and Lover of his Country, will, when he hath seriously thought on it, find just Ground to oppose it.

Her Majesty having thus done her Part, and in a manner so Good and Generous, and evidently disinterested, it remains that we fail not to do ours, by letting go this great Opportunity (which if now lost, may possibly never be recovered) to deliver this Nation from the Inconveniences and Hardships that it hath lain under ever since the Union of the Crowns, and which of late have grown heavier upon it.

Her Majesty hath also recommended to you the Supplies that are wanting for the Purposes mentioned in her Letter, which I need not repeat ; for sure there are none here, who are not convinced of the Necessity of them, and who will not heartily concur in giving of them, notwithstanding the low Circumstances the Country is in at present ; especially seeing her Majesty allows you to enquire into the Misapplications of former Funds given and appropriated by Parliament, and to take such Course as may prevent the like for the future.

‘One thing more I have to add, and that is concerning the Business of the Plot, of which so great Noise hath been made in our Neighbour Nation. Her Majesty hath allowed me to acquaint you, That in due time the whole matter shall be laid before you, and that She hath given the necessary Orders for having both the Persons that have been examined in *England*, and the Papers that relate to that affair, sent hither. Her Majesty doubts not but your inquiries into this Plot, or any other Practices of the like Nature, will end in your laying down solid measures for preventing of them, or the fatal Consequences of them in time to come; and as to any Questions or Contests that may arise upon such inquiries amongst you; her Majesty hopes, that you will manage them with all the Temper and Moderation that the nature of the thing will allow.

*My Lords and Gentlemen,*

‘I have spoke long, contrary to my Way and Inclination, and therefore I shall only add in a Word as to my self, I am very sensible of my unfitness for so great a Trust; but since such is her Majesty's Pleasure, I'll do my best, and I shall esteem my self very happy, if I can any ways contribute to bring Matters to a Settlement in this Nation. It is a great Encouragement to me, I must own it, that the present Opportunity, in a manner, enables me to give at the same time, the greatest Proofs that I can ever hope to give of my Duty to her Majesty, my Love to my Country, and my Respect to Parliaments, in particular to this honourable Meeting.

*The High-Commissioner having ended his Speech, the Earl of Seafield, Lord High-Chancellor, The Lord spoke to the Parliament to this purpose:*

*High-Chancellor's Speech.*

*My Lords and Gentlemen,*

YOU have heard her Majesty's most gracious Letter, and what his Grace my Lord Commissioner hath been pleased to add; which do fully lay before you the weighty and great Reasons for which her Majesty hath called you together at this time; and you must all be convinced, that the chief  
‘Design

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Design of her Majesty's Government, is to advance the Happiness and Welfare of her People, and to protect them in the full Possession and Enjoyment of their Religious and Civil Concerns.

Her Majesty doth, with a very tender and affectionate Concern, lay before you the Danger of Divisions and Animosities; and Recommends to you, to employ your Thoughts for promoting what is for the Security and Advantage of the Kingdom: And you cannot but be sensible, that our Divisions must encourage our Enemies Abroad, to form Designs to disturb the Peace and Tranquillity we now Enjoy; and therefore ye will, no doubt, make use of this Opportunity to convince all, that this Nation is fixt and firm in their Loyalty to her Majesty; and that all her good Subjects will constantly support her Government.

Her Majesty doth, with great Earnestness, recommend the Settling of the Succession in the Protestant Line, as what would be the surest Foundation for the Security of your Religion and Liberties, and will contribute greatly to the Advancement of the Protestant Interest every where; and this being of so great Consequence, it is not to be doubted, but that you will think this the fit Opportunity for taking it under your Consideration, while we have the Advantage of being convened in Peace under her Majesty's Protection, and can deliberately consider what is the most probable Mean for the future, to secure and preserve all that is valuable to us: And for your further Encouragement, you have heard how her Majesty hath given full Instructions to her Commissioner to grant such Conditions of Government, with regard to the Successor, as can reasonably be demanded, for securing of the Sovereignty and Liberties of this Kingdom; so that nothing is wanting on her Majesty's Part, that is necessary for the Establishment and Security of this Nation.

You know that her Majesty is engaged in a most just and necessary War, for the defence of the Liberties of *Europe*; which makes it necessary that Supplies be given for maintaining the Forces, for repairing the Forts and Garrisons, for providing the Magazines with Arms and Ammunition, and for main-



' maintaining the Frigats which have proved so useful for the guarding of your Trade: All these being plainly needful, it is not to be doubted, but that you will readily comply therewith. It is to be Regrated, that the Nation is in so low a Condition; but what we give is necessary for our own Defence, and will circulate within the Kingdom: And her Majesty doth freely allow of taking Inspection of the Funds that have been given by Parliament, and appropriate for the publick Use, and will take care, that what shall be now given, shall be duly applied.

' Her Majesty hath given frequent Assurances of her Resolution to maintain the establish'd Government of the Church, and hath recommended to you to fall upon effectual Means for discouraging of Vice and Immorality, and for encouraging true Piety and Religion, and providing for, and employing of the Poor.

' The Trade of the Kingdom doth also deserve your serious Consideration; for the Advancement of which, and the Improvement of the Product and Manufactories of the Kingdom, her Majesty gives you Assurance of her ready Concurrence.

' My Lord Commissioner has acquainted you, That the Plot, which has made so great a Noise here, and in our Neighbour Nation, shall be laid before you, with all its Evidences; and it is not to be doubted, but that you will take care to do therein what is necessary for the discouraging of bad Practices, which may tend to disturb the Peace and Quiet of this Kingdom; and in all your Proceedings in this Matter, that you will avoid Animosities, and make it your principal Care to provide for the publick Security and Peace.

*My Lords and Gentlemen,*

' I shall conclude with recommending to you again the serious Consideration of what her Majesty has so earnestly recommended; and that ye will improve this Opportunity, which GOD hath given you, for securing to your selves and transmitting to your Posterity your Religion and Liberties; which will certainly be for your Honour and Happiness.

A. C. 'and will render you equally acceptable to her Ma-  
1704. 'jesty, and to all her Subjects.

*The Earl of Clomarty, Lord Secretary,*  
*made the following Ambiguous Speech :*

*My Lord Chancellor,*

'ALbeit this Seat wherein it has pleased her Ma-  
'jesty to Place me, does allow, or rather ob-  
'lige me to say something on this Occasion, yet my  
'Lord High Commissioner, and Lord Chancellor  
'have said so fully, and so well, as I may justly fear  
'what I can say, will prove a Diminutive Adjection;  
'But I shall speak little, and (if I can remember)  
'I shall not repeat. My Lord, should all her Ser-  
'vants be silent, the Actings, the Sayings, the whole  
'Tract of her Majesty's Government, and the hap-  
'py Effects thereof do speak loudly, that if ever Prince  
'or Sovereign have devoted themselves to God and  
'their Country, without Flattery or Hyperbole,  
'we may truly say, that our most Gracious Queen  
'hath; All may hear, and those who have the Ho-  
'nour to attend her Majesty, must see, that her  
'Time, her Care, her Pleasure, her Leisure, her  
'Treasure, yea, her very Health and Life, are Sa-  
'crificed every day, and almost every time of the  
'day, to actual exercise of Devotion to God, or Ad-  
'ministration of Government to her People; and  
'we may bless God, that by his Blessing on her En-  
'deavours, all and every one of her Subjects do par-  
'ticipate of the Fruits of the Royal Sacrifice; Nay  
'and all the best part of *Europe*, beside that is her  
'Majesty's Confederates, and her and their Enemies  
'do find with Grief what we feel with Satisfaction  
'And though her Majesty has many Dominions un-  
'der her Royal Care, and more Confederates; yet  
'She omits not any of our particular Concerns, and  
'we partake in our full Capacity of these happy Ef-  
'fects. We are with many others engaged in a great  
'but (to full Conviction) necessary War, the Ef-  
'fects whereof are dreadful and hurtful, not only in  
'Expence and Soldiers, (which all must afford) but  
'the seeing of People slaughtered like Beasts in our

'Street

Streets and Houses, to see our Towns in Fire, our Women ravished, our sacred Things prophaned, and many other dismal Effects of War and Rapine, which, almost, all others feel and see; We (thanks to God, and under him to his Vicegerent our Queen) do only hear of these Things; My Lord Chancellor, this we ought, and I doubt not we do remember and consider. My Lord, This is not offered as an Elogy and Panegyrick on her Majesty; She is far above what I can say, but it is an Antecedent to the following Subsumption.

‘And as this of her Care of us, and Zeal for us, is evident, so it is no less true, that the Queen sits higher than we do, or ought to do on this Throne, as she does also on the Throne of her other Dominions. And farther, we know, that she is one of the Heads and highly situate, in all the great Confederacy; whereof her Majesty is, if not the Chief, yet a Principal, and from this both Reason and Discretion oblige us to conclude, that she must see very much farther, and more clearly into the Actions, Designs and Practices of her and our Enemies, and in the Concerns, and in what directs and moves our Allies, than is possible for us to do; who both stand lower, and are bounded in our narrow Spheres: Therefore, as in all Matters- so especially in Points of Fact, we are bound to rely on her Information, and her Judgment more than on our own, since what we can but Conjecture, is obvious to her certain Knowledge; and if we should fall (as I confidently hope we will not) into the Indiscretion, to oppose our Conjectures to her Knowledge, that could not miss of dire Effects, and readily most mischievous to our selves.

‘Her Majesty's Royal Letter, my Lord Commissioner his Grace, and my Lord Chancellor have plainly laid before us Matters of great Importance: Her Majesty is very express in what she proposes; her Reason and Antecedent is as plain, and express as the Conclusion. I hope the two Motives I gave for believing, and consequently for obeying her Majesty, are also plain and concluding.

‘My Lord Chancellor, the honour of being her Majesty's Secretary, obliges me to obviate and remove an Aspersion on the Queen's Majesty's Can-



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‘dor and Honour (if any such Insinuation be made)  
 ‘which is that some would perswade others to be-  
 ‘lieve, that the Queen has a secret Will in the Af-  
 ‘fair now before us, contrary to her express Will re-  
 ‘vealed and declared by her in her Royal Letter.  
 ‘My Lord, I am perswaded she does hate that Po-  
 ‘sition in Theology, and I am certain she does so in  
 ‘her Politicks: and the Reason of my certainty in  
 ‘this is, that her Majesty did command me, and I  
 ‘think her other Servants, expressly to assure this  
 ‘House, that nothing in her Service could please  
 ‘her better, than if they should believe and obey her  
 ‘in what she proposes in her Letter, and nothing  
 ‘can displease her more than to do otherways.

‘My Lord, both old Custom and good Manners  
 ‘oblige us to begin with her Majesty’s Letter, and in  
 ‘its method; if my Zeal and Duty on this Subject  
 ‘have drawn me in to speak more than I intended,  
 ‘or perhaps needed, I beg the House’s Pardon; but  
 ‘since my hand is in, and that I neither use nor love  
 ‘to speak oft, I shall only add my earnest and hum-  
 ‘ble Wish for these two Things; 1. That the Or-  
 ‘ders of the House may be strictly observed; for by  
 ‘that much time will be saved, and many Inconve-  
 ‘niencies prevented; and the not doing of this, will  
 ‘disgrace this great Court. The second is, that we  
 ‘may redargue one another with Kindness and Ci-  
 ‘vility; let our Force fall on the Subject which we  
 ‘we oppugn, or the measure which we reject, and  
 ‘by no means on one another’s Persons. Would to  
 ‘God we were always unanimous; but that seldom,  
 ‘if ever, was in so numerous a Court or Council:  
 ‘But when we differ, will we argue the better by our  
 ‘being angry? No, *Impedit Ita Animum*. Will we  
 ‘convert others so well, by making them angry, as  
 ‘by a meek Calmness in arguing? Does Spite add  
 ‘Force to Reason; or does it produce that Consent  
 ‘which we endeavour to obtain? So for our own  
 ‘sakes, and for the Honour of our Reasonings, let us  
 ‘urge and reply with Calmness. I have oft regrated  
 ‘to see good Reasoning lost, or at least ineffectual in  
 ‘great measure, by the Heats in Arguing; and I will  
 ‘say, it were a Pity; for the Members of great Courts  
 ‘elsewhere may, in the Opinion of many, speak  
 ‘better Language than these of this do; yet they do  
 ‘not

not speak better Sense. And besides these Motives to calm reasoning, this ought to determine us all against it, to wit, that neither our Heat, nor our Self-pleasing Arguments, are, what will determine any Debate. The Law of Order, the Constitutions, Statutes and Necessity, gives the Faculty of Concluding to the whole of this House; and all we can say must be submitted to what this whole House will approve, or to what the major part will agree in: And therefore, much reasoning, and all Heats, will, on many accounts, be profitably forborn. I conclude with this Assertion, which I think evident without Discourse, That as the Union of *Britain* is apparently its greatest Politick Good; so, as certainly, and by the infallible Rule of Contraries, a Division of *Britain* is its greatest Evil: And then, it is a necessary Corollary: Whoever is not for the Union of *Britain*, may be concluded an Enemy to it.

These Speeches being over, Mr. *Seaton*, Jun. of *Pitmedden*, gave in an Overture by way of a Resolve, to this Effect, 'That the House would stand by and defend her Majesty's Person and Government, without Naming a Successor to the Crown of *Scotland*, during this Session of Parliament, but would agree on such Conditions of Government, to take Effect after her Majesty's Death, as might best conduce to free that Kingdom from all *English* Influence, to the end the *Scots* might be in a Condition to Treat with *England*, about a Federal Union. Nothing was done in this Resolve on that Day; but two Days after the Duke of *Hamilton* propos'd another much of the same Importance to Wit, *Not to name the Successor till the Scots have a previous Treaty with England, for Regulating their Commerce, and other Concerns with England.* On the Seventeenth † of the same Month, † July 17. came on the Debate about the Duke of *Hamilton*'s Resolve, at which time the Earl of *Rothes* presented another, which was as follows: Resolv'd, *That this Parliament will immediately proceed to make such Limitations and Conditions of Government for the Rectification of our Constitution, as may secure the Religion, Liberty and Independency of this Nation, before they proceed to the said Nomination; and that afterwards they should take the Duke of Hamilton's Resolve into Consideration.*

*Proceedings  
and De-  
bates about  
the Suc-  
cession.*

A. C. This occasioned long and warm Debates, and among  
 1704. many other Speeches, the two following were made  
 to urge the necessity of settling the Succession.

*My Lord Chancellor,*

WE have had a long Vacancy ; nine months  
 have given us a new light, and have let us  
 into the knowledge of Men and Things. The Act  
 of Security was what we staid upon very long last  
 Sessions : I was for it as much as any Man, but my  
 Mind as well as Judgment is altered, and I am  
 now well assur'd I was in the wrong. For if her  
 Majesty could have pass'd it into a Law, it would  
 have done her nor us no manner of service, because  
 it left the Succession loose during her Majesty's Life  
 time ; which Omission alone may undo her (whom  
 God preserve) and us.

We were not aware of the deep Designs of some  
 who pretended only the Good of the Kingdom, a  
 specious pretext to keep this Nation free, and as a  
 by-weight to throw into Ballance upon occasion, for  
 a help to sway with those of our Neighbours, who  
 may be so wickedly and traiterously inclin'd, as to  
 wish and act for the Pretended Prince at *St. Ger-*  
*main*, I mean for *France*, against the rightful and  
 lawful Title of her Majesty, and the Succession of  
 her *English* Crown, so well establish'd by the Law  
 of that Kingdom. I hope, my Lord, the Wisdom  
 of this House will take care to disappoint the Men of  
 such pernicious and dangerous Designs. There  
 have been, and are still *Achitophels* ; but God hath  
 turn'd their Counsels into Folly : A Trick will  
 serve but for one turn amongst Men of common  
 sense.

We ought to be very thankful to God and the  
 Queen, that things have been set before our eyes  
 late in a clear light ; and some amongst us ought  
 to bless Both, that they for their Contrivance  
 were not brought within the Verge of the Law, and  
 made an example and terror to others, that none  
 may venture on the like wicked Practices against  
 our Sovereign, and the Peace of her Government.  
 These Men's Actions are known, and all their  
 Words are carried by the Birds of the Air to her Ma-  
 jesty's Ears.



'I beg leave, my Lord, to presume that there are few in this House but are well acquainted with the History of *Peter Warbeck* (alias *Perkin*) in our K. *James IV*'s time. He was bred and nurs'd up with a design to dethrone *Henry VII.* by *Margaret* Dutchess of *Burgundy* and *Flanders*, as a fit Tool to satisfy her revengeful Temper; and tho' she knew him to be only the Son of a poor Man at *Tournay*, she gave him the Name and Title of Duke of *York*, and true and lineal Heir of her deceas'd Brother *Edward*, late King of *England*. She equipt him, and gave him Ships, Men, and Mony, and sent him into *Ireland*, where a Rebellion was rais'd, as well as in *England*, by him and his Adherents: He fail'd in the Expedition. The *French* King, *Charles VIII.* found him a fit Instrument to serve a turn for him also; wherefore he entertain'd him as the Prince of *England*, and he with the Dutchess of *Flanders* equipt him out a second time: but finding difficulties, at last he came hereto our K. *James IV.* The story of this Knight Errant had justly given our King and Court grounds to believe him a notorious Impostor. Upon this pretended Prince's Address to the King for some Aid, his Majesty wisely called his Council, and ask'd their advice what to do on the Subject; *Buchanan* informs you, *Cum Sententie rogarentur, prudentiores & quibus major erat rerum usus, Rem integram reponendam censebant.*

Here, my Lord, the old wise Men of experience in Council were of opinion, that it was not fit for his Majesty to receive or entertain this pretended Prince, who they wisely believ'd to be a Fourb, and who had given great trouble to this Island, and was like to give much more.

'But when the question came to the young Nobility of the Council, the same Author says, they were the Majority, and carry'd it in favour of *Perkin*: *At major pars, vel ob Pueritiam rerum, & animorum Inconstantiam, &c. fortunam hominis commiserabantur*: The young Counsellors, either for want of Experience, or for want of Steddiess of Mind, were more easily caught. They were more in number, and had a Compassion for the young Stranger. They were told he was like the late King *Edward*

A. C. 'his pretended Father, and the Family of *York*, tho'  
1704. 'they never had seen any of them.

'Here the Cheat went on; he had the Entertainment of a Prince, he had a Wife out of one of our noble Families, he had an Army rais'd in his favour, and led into *England* by our young King, and after much Blood and Treasure spent on this pretended Prince, the Cheat was discover'd; he was sent away out of our Country, and some time after had the Reward of Villany.

'My Lord, this Act of inconsiderate Hospitality to one who was but a Cheat, gave first ground to the World abroad to call our Judgment into question; and no body will read the History, but will conclude, that our Predecessors were extreamly impos'd on, and that the Impostor might have caused the utter Ruin of their Liberties and Country.

'My Lord, the same Game is a playing now. Perhaps some have never read the History, and others have forgot it. No wonder, it happened 200 years ago: But we cannot forget what happened 16 years ago; when no Male Issue was like to succeed K. *James VII.*: one was to be found *vis & modis, per fas aut nefas*: One at last was said to be born at *St. James's*, June 1688. That Child died soon after, a second was put in his place, and carried to and nurs'd up at *Richmond*; but God thought fit to kill that second Child also.

'Now, my Lord, this pretended Prince of *Wales* is a third Child, in whose Veins there is not a drop of Royal Blood.

'Here is a new *Perkin* come into the World 200 years after the first, who was sent to ruin *England* and *Ireland*, only to satisfy the violent malice of a revengeful Woman.

'This second pretended Prince is nurs'd up by *Rome, France*, and Armies of implacable revengeful Priests, who give him the Title of King.

'For what? To the end that he may prove a more fit Instrument upon any occasion to root out and totally destroy us and our Holy Religion, which they call Heresy.

'Some of us, my Lord, are no wiser than our Predecessors in this point: We give the Priests and other

other Agents of *France* and *Rome* leave to pervert our Understanding ; we take such Impressions as remain : Young Men's minds are tender and soft, and retain the first Impressions long. Some of us have been in *France* not many years ago, and have seen this pretended Prince, and commend his Person and Parts, his Features, and Shapes very like the Royal Family ; tho' some of us never saw one of them, except our own Queen.

' Thus young men are very apt to be led out of the way. I have known some by keeping bad Company did catch the *French* Disease ; Modesty and Shame made them conceal it till it was too late, and then it cost them their Life. It is the case at present with some of us here, who have got the *French* Inclinations, more dangerous to this Nation than the Disease, and will not own it till it is too late, and then it may cost them their Lives, their Estates, with the ruin of their Posterity. Whatever young Men may do, my Lord, for want of better Information, yet it is strange, that Men of riper Age, Pretenders to Religion, to the Good and Interest of our Country, are said to be tainted with the same Inclination to have *France* rule over us ; of which Men there is a mighty Jealousy : I will not believe them guilty, and at the same time I cannot answer for them ; but let their Works testify what they aim at.

' We all talk loud of Love for our Country and Religion, but I presume to say, that the love of Mony and Self-Interest hath appear'd more our Study than any thing else.

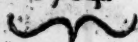
' What bad Practices hath not her Majesty by her great care found out ? The Contrivers may cover their Designs the best way they please ; but, my Lord, whoever waits or inclines for the Bondage and cruel Oppressions we in this Nation are so lately deliver'd from, be who they will, are and may be found guilty of Crimes of a dangerous consequence, and of a transcendent nature, no less than the Subversion of the Government of this Kingdom, and the Alteration of the Protestant Religion ; and this not upon a bare Information only ; her Majesty knows their Converse ; and their Actions speak aloud to all about them.

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'Such Practices are an Enmity to all Godliness  
'and Good Men ; it is from such Proceedings that  
'our Assembly is corrupted, and till this Fountain  
'of Mischief is purg'd, we cannot expect to have  
'any clear Channels: All here know what I mean.

'These Crimes are various in their natures, heinous in their quality, and universal in their extent.  
'If you examine them, my Lord, Theologically, as  
'they stand in opposition to the Truth of God, they  
'will be found to be against the Rules of Faith, against the Power of Godliness, and against the means of Salvation.

'If you examine them morally, as they stand in opposition to the Light of Nature, to right Reason, and the Principles of human Society, you'll then perceive Pride without any Moderation ; such a Pride as that which exalts itself, &c. Malice without any Provocation, Malice against Vertue, against Innocency, against Piety ; Injustice without any means of Restitution, even such Injustice as does rob the Innocent of their just Right and unspotted Reputation.

'If these men, my Lord, who set up for the Pretended P. of *Wales*, be examin'd by legal Rules in a civil way, as they stand in opposition to the publick Good, and to the Laws of the Land already in force ; these men, I say, may be found to be Traitors against her Majesty's Crown, and Incendiaries against the Peace and Safety of this Kingdom, they may be found to be the highest, the boldest, and the most impudent Offenders that ever were ; Betrayers both of the Queen and her People, as well as of this Country and our Religion. If any one here is sensibly pinch'd, let him consider whether or no he is guilty ; if he is, let him sin no more, lest a worse thing befall him.

'My Lord, I see many here may remember, if they please, the frequent Tragedies were acted among us some 20 years ago. I am sure there are several of us, whose nearest Relations were Sacrific'd to the Despotick and Arbitrary Will, and the revengeful Resentments of Popery and its Principles ; it was then that the Orders to prosecute, execute, to hang draw and quarter, and to shed the best Blood of this Nation without, nay against any

'any Law, were by a Prerogative Royal without Reserve.

'I see some here were banish'd and forc'd to wander in Exile, and beg shelter from Foreign Princes, whose Families were dispers'd and ruined, whose Estates were torn in pieces and given to Strangers, Men of another Communion. Can these melancholy Reflections be forgot so soon by our selves who who were the Martyrs? A Spirit of Delusion seems to cover the Eyes of our Understandings, till we fall a second Sacrifice to the same bloody Actors.

'I speak for nor against no Party of Men; but, my Lord, it is high time for us to consider in cool Blood, how to barricado our selves against the Assaults of the Common Enemy, *France* and Popery; in order to which I have but two things to move, which are, That we may all here obey our Saviours new Commandment, Love one another, and often repeat that excellent Prayer taught us by the same blessed Saviour; by doing whereof we shall be brought to forgive one another, as we desire God to forgive us.

'This done, we shall be in better Circumstances to lay aside our Pride, our Passion, our Vain-glory and unrelenting Revenge, which alone belongs to God Almighty to repay; and shall be in a condition to serve our Sovereign, in obedience to her just Commands, our Country, and People in their necessary Requests, and settle a Protestant Successor, while we have the Occasion and Power in our own hands: Accidents may happen and put it out of our way, ever to do it to our Advantage.

'Wherefore I move it may be consider'd and finish'd, before this House proceed to any other Business.

*The Second Speech ran thus.*

*My Lord Chancellor,*

I Second the noble Member that spoke last, in his motion for settling the Succession, before the House proceeds to any other Business; but I do not pretend to give any Direction how the matter shall be done, let the Wisdom of this Honourable House con-

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consider with mature deliberation, what can pre-  
serve us from *Rome* and the *French King*; that her  
Majesty's Royal Person and Crown may be secure  
from all Invasions abroad, and Disturbances at  
home.

My Lord Chancellor, her Majesty deserves all  
the Returns of Loyalty and Duty that are in our  
power to make; I believe she hath given my Lord  
Commissioner such Instructions as may prove to our  
advantage, if they are duly put in execution. Com-  
plaints have been made by some, that they are not  
full for settling a Successor; I am morally sure, my  
Lord, the Complaint is ill grounded, which I hope  
his Grace will soon declare to this House, and satis-  
fy all her good and loyal Subjects, how much she  
hath the Peace and Advantage of this her Antient  
Kingdom in her Thoughts.

As hath been well observ'd just now, last Sessions  
many of us were misled; I own my mistake of Men  
and Things; we were going very fast into a Laby-  
rinth; our Leaders misinform'd us; the Nation  
now may see its Interest; Theoretical Schemes and  
Projects which can never be brought to practice,  
ought to be laid aside; they create much Debate,  
spend much Time, and can never be of use. My  
Lord, with submission, this Assembly ought to lay  
aside all frivolous Debates, that our Judgments may  
never be call'd in question elsewhere.

I am for following the Advice just now mention'd:  
Let us forgive and love one another, let us join  
Hearts and Hands to keep out the known Enemy of  
our Religion. If that Deceiver and Breaker of sacred  
Vows and Treaties, made and sworn upon the Holy  
Gospel at the Altar, in the most solemn and most reli-  
gious manner, shall by his Power and our mistaken ma-  
nagement, put upon us that thing in the Air, call'd the  
Prince of *Wales*, of no Birth, of no Blood, sprung from  
whom is unknown to himself as well as to us. we must  
be ruin'd, my Lord, every Man here who enjoys his E-  
state, may know what he has to trust to; we all know  
who must come with him, the same Men and Princi-  
ples who destroyed us twenty years ago. I humbly  
move, with submission, that we may pass by all the  
mutual vexatious Animosities which were amongst  
us but lately; all Parties have been to blame; God  
will



will pardon the Penitent; the Queen oversees and graciously forgives; let us mutually do the same, and settle our Succession, and secure and help ourselves, and God will help us: It will prove our own and the People's safety, A. C. 1704.

*Salus Populi Suprema Lex esto.*

Let us follow the Example of our wise Neighbours, and make such Laws as may tie up the Hands, and terrify the Hearts of our own deprav'd Subjects, who dare offer to act or speak in favour of any, in prejudice of her Majesty's lawful and rightful Title to her Crown and Dignity.

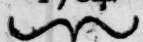
'I am confident, my Lord, no Man here dares own his Inclinations to be for the *French* King or that Pretended Prince, whatever Prospect he may have of Titles, Honours or subordinate Power from him, who hath no bowels of Compassion left, who consumes his own Vitals, by persecuting and tormenting his own best Subjects, and spares neither Sex nor Age in his neighbouring Country, even of his own mistaken Religion, if they but refuse to be his Slaves; witness his new Conquests in *Alsace* and *Flanders*. What then are we to expect, who by that Tyrant are accounted Hereticks?

'Whoever are so wicked amongst us, as to venture either to counsel, conduct or invite, whenever he comes (which God prevent) may expect the same fate. For my own part, my Lord, I have no personal prejudice against him, nor the Pretended Prince of *Wales*; but I here solemnly declare, that I will oppose him or either of them, with all their Adherents, whilst there is a drop of Blood in my Veins; and I am morally sure of 100000 of the best Men in *Brittain* to accompany me in the Opposition; and I am sure, my Lord, of this whole Nation in general to go along with me also; God be prais'd, we are Protestants, and of the Reformed Religion, for which I hope we shall ever be ready and willing upon any such occasion to sacrifice our Lives and our Fortunes. To prevent all these impendent Evils, My Lord, let us settle a Successor who is a known Protestant, and of our own Royal and Antient Race of Kings.

For

A. C.

1704



'consider with mature deliberation, what can pre-  
'serve us from *Rome* and the *French King*; that her  
'Majesty's Royal Person and Crown may be secure  
'from all Invasions abroad, and Disturbances at  
'home.

'My Lord Chancellor, her Majesty deserves all  
'the Returns of Loyalty and Duty that are in our  
'power to make; I believe she hath given my Lord  
'Commissioner such Instructions as may prove to our  
'advantage, if they are duly put in execution. Com-  
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'full for settling a Successor; I am morally sure, my  
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'many of us were misled; I own my mistake of Men  
'and Things; we were going very fast into a Laby-  
'rinth; our Leaders misinform'd us; the Nation  
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'aside all frivolous Debates, that our Judgments may  
'never be call'd in question elsewhere.

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'Let us forgive and love one another, let us join  
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'Gospel at the Altar, in the most solemn and most reli-  
'gious manner, shall by his Power and our mistaken ma-  
'nagement, put upon us that thing in the Air, call'd the  
'Prince of *Wales*, of no Birth, of no Blood, sprung from  
'whom is unknown to himself as well as to us, we must  
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' will pardon the Penitent; the Queen oversees and A. C.  
 ' graciously forgives; let us mutually do the same, 1704.  
 ' and settle our Succession, and secure and help our  
 ' selves, and God will help us: It will prove our own  
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*Salus Populi Suprema Lex esto.*

' Let us follow the Example of our wise Neighbours,  
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 ' dare offer to act or speak in favour of any, in pre-  
 ' judice of her Majesty's lawful and rightful Title to  
 ' her Crown and Dignity.

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 ' either of them, with all their Adherents, whilst  
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 ' rally sure of 100000 of the best Men in *Brittain* to  
 ' accompany me in the Opposition; and I am sure, my  
 ' Lord, of this whole Nation in general to go along  
 ' with me also; God be prais'd, we are Protestants,  
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 ' shall ever be ready and willing upon any such occa-  
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 ' vent all these impendent Evils, My Lord, let us set-  
 ' tle a Successor who is a known Protestant, and of  
 ' our own Royal and Antient Race of Kings.



A. C.  
1704.

‘For an Argument of this, an Anonymous Author in his Remarks on the late Plot, gives some Reasons for it, which for your Information I here presume to repeat: After he excuses two noble Dukes, he says, *’Tis hop’d this is sufficient to make it plain, that to insist on an Union and Communication of Trade at this time, would retard the Succession, which may be dangerous to our selves, and to the whole Protestant Interest all over Europe.*

*The danger to our selves is evident, from the Conspiracy that Fraiser and his Accomplices have been carrying on in the Highlands and other parts of this Kingdom, the general Discontents which are in our Nation, &c. and gives his Reasons, pag. 48.*

He continues to tell you, *That the Jacobites here, and their Friends beyond Sea, make a great improvement of the delay of settling the Succession; they flatter themselves and impose upon the World, that it proceeds from the inclination of our People to the St. Germain Family.*

Then he goes on to tell you, my Lord, of our Divisions, which, says he, *encourage the French, to solicit a Rebellion, and to attempt an Invasion, either of which effected, transforms our Country into a Field of Blood. And supposing (which God forbid) her Majesty should die whilst the Succession is unsettled, and our Country lying under these intestine Divisions, the Hannover and St. Germain Parties will certainly engage us in a Civil War: England and Ireland will assist the first, and France the other. This will make our Nation a Theatre of Woe and Calamity, and whoever hath the advantage in such a Case, we must be Slaves for ever.*

Our Author, my Lord, concludes the Paragraph, and tells us in such Circumstances, *That there will be no room for thoughts of insisting on Limitations, and humbly conceives that what is said, is sufficient to shew the necessity of settling the Succession upon the foot of our old Constitution; that will be the only way to secure us against those dangers we are threatned with, from the Madness and Folly of both Parties, viz. Whig and Tory.*

‘My Lord Chancellor, this Anonymous Author hath said very much in favour of the Rights and Privileges of this Kingdom in these Remarks, and other Books which I have seen, and in particular, hath

'hath been at some pains to excuse some great Men,  
'whose Works and Actions I would have rather to  
'speak and plead for them, that we may see and know  
'in good earnest in whose Company we are, and  
'with whom we have to do : Yet I must say, the  
'Author seems in earnest for settling the Succession.

'Tis certain, my Lord, whoever is for pressing  
'a Union, or a Communication of Trade at this time,  
'is diametrically against the settling the Succession ;  
'and if we do not perform this necessary point this  
'Sessions, what Constructions will Men of unbias'd  
'Principles, Men of the same Religion with our  
'selves all the World over, put upon our management?

'Will not the Majority of this Assembly be justly  
'suspected, if the Succession be not settled this time?

'On this point depends the Security of all that is  
'dear to us both Spiritual and Temporal, at home  
'and abroad ; and whoever is against it, without all  
'manner of doubt, are Enemies at bottom to our  
'Queen, to our Religion and Government, and to  
'the People of this Kingdom, and their Posterity.

'The Person, my Lord, who I presume you will  
'think fit to name for a Successor, is her Royal High-  
'ness the Electress Dowager of *Brunswick and Lu-*  
'*nenburg*, the Princess *Sophia* ; she is the next Prote-  
'stant of our own Royal Family ; whose Mother was  
'a Native of our own Country, born at *Dunfermling*.

'Her Highness's Blood is truly Royal, her Inclina-  
'tions and Heart, as I am credibly inform'd, are  
'intirely *British* ; and, my Lord, we can go no  
'where else for a Successor, but to her and the Heirs  
'of her Body. When this point is settled on the best  
'Conditions proper for us to ask, and in her Maje-  
'sty's Power to grant, none in this Assembly will  
'have occasion so very often to make mention of her  
'Majesty's Death, as they did last year, which in-  
'deed carries something rude in expressing it. We  
'all know, my Lord, she is mortal ; may we act and  
'speak as if we thought our selves so, and may we  
'never have occasion to make more mention of her  
'Death ; may she outlive all of us ; she is the Sup-  
'port and Glory of us, of our Religion, and of the  
'quiet and peaceable Government we all enjoy ; and  
'by her shining Character, illustrates and adorns all  
'her good Subjects.

'Where-

‘Wherefore, my Lord, let it never be said, that  
 ‘we of this Parliament, either by neglect or by  
 ‘wrong Principles, or by a mistake in our Judgments,  
 ‘grasping at what can never be obtain’d, are either  
 ‘the immediate or mediate Cause of eclipsing her so  
 ‘bright a Lustre, as shines thorow all the distinct  
 ‘Parts of her wise Management at home as well as  
 ‘abroad. From hence we hear the joyful News of  
 ‘Victories, and a happy Progress by the wise and a-  
 ‘dorable Providence, in the late great Success, vouch-  
 ‘safed to her Majesty’s Arms, and those of her Al-  
 ‘lies; whereby God hath thus far disappointed the  
 ‘Hopes, and confounded the devices and ambitious  
 ‘Designs of the Common Enemy.

‘I presume to say, with submission, that our Di-  
 ‘visions amongst our selves these last two Years past,  
 ‘have given her Majesty more real Vexation and  
 ‘Trouble than all the great Affairs of Europe, of  
 ‘which she hath a very great share; this alone is a  
 ‘reproach to our Nation in general: Whereas indeed  
 ‘the true Cause is the Pride, Ambition, and Coverous  
 ‘Humour of some few particular Men of both Par-  
 ‘ties, who all pretend the service of the Queen, and  
 ‘the publick Good; whereas in good earnest, all  
 ‘that these pretended Patriots aim at is to be Chief,  
 ‘and the first in Posts and Offices of Profit and Trust,  
 ‘by which they may pretend a Privilege to spend  
 ‘and squander away the publick Revenue, oppress  
 ‘the People, to support their own Pride, Vanity  
 ‘and Luxury.

*Hinc illæ Lacrymæ.*

‘From such Manners and Self-interested passionate  
 ‘proud Men are all our Misery, and all the Re-  
 ‘proaches cast upon the Nation: Coverousness, and  
 ‘the Love of Money blinds these Men’s Understand-  
 ‘ings. Let us not follow their Maxims, lest we  
 ‘prove troublesome to our Sovereign, and useles to  
 ‘the Publick. I know very well, my Lord, some  
 ‘here who are really for the Succession, but are not  
 ‘for having it settled at this time for several preten-  
 ‘ded Reasons; but a great one is, they would not  
 ‘have his Grace, my Lord Commissioner, have the  
 ‘Honour of passing it, while he sits on the Throne.



'I confess, for my own part, I have no concern  
'whoever does a good thing, providing I have a  
'share of it; and I hope, if any Man is against it on  
'that account, he will repent and consider the pub-  
'lick Advantage: From which, and from all that  
'has been said, I am, my Lord, for settling of the  
'Succession now, before the House proceeds to any  
'other Business.

On the other hand, those who oppos'd the present  
settling of the Succession, made very sharp Speeches  
against the Proceedings of the Parliament of *England*,  
with Relation to the Plot: which had great Influence  
on several Members. At last, both the Duke of *Ham-*  
*ilton's*, and the Earl of *Rothess's* Resolves being  
join'd into one, the previous Question was put, *Whe-*  
*ther to put this joint Resolve to the Vote, or to Vote them*  
*separately?* And it was carried to Vote them jointly  
by 42 Voices. Then the joint Vote, *viz. That this*  
*Parliament will not proceed to a Nomination of a Suc-*  
*cessor, until we have a previous Treaty with England,*  
*for regulating our Commerce, and other concerns with that*  
*Nation; And, That this Parliament will proceed to make*  
*such Limitations and Conditions of Government, for the*  
*Rectification of our Constitution, as may secure the Reli-*  
*gion, Liberty and Independency of this Nation before they*  
*proceed to the said Nomination:* This joint Vote, I  
say, being put, *Approve or not*, it was carried, *Ap-*  
*prove*, by a Majority of 55 Voices.

See the Ap-  
pendix,  
Num. XX.

After this Vote was carried, it was moved by the  
Duke of *Arbol*, Lord Privy-Seal, That her Majesty  
having graciously pleas'd to signify by her Commis-  
sioner, that the Examination of the Plot should be  
laid before the Parliament, his Grace the Lord Com-  
missioner would be pleas'd to write to her Majesty to  
send down the Persons who were Witnesses, and all  
the Papers relating to that Plot as soon as possible,  
that that Affair might be examin'd to the bottom;  
and those who were unjustly and falsely accused, might  
be vindicated; and those who were guilty might be  
punish'd according to their deservings: Upon which  
the Lord Chancellor declar'd by Order of the Lord  
Commissioner, That his Grace had writ, and would  
again write to her Majesty, to send down the whole  
Evidences relating to the Plot as soon as possible.

Two Days† after, the Duke of *Hamilton* propos'd  
this Resolve, *viz. That the Parliament would pro-*  
*ceed*

† June 9:

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1704.

*A Cess for  
six Months  
granted,  
June 21.*

*June 25.*

ceeded to make such Limitations and Conditions of Government, for the rectifying of the Constitution, as might secure the Religion, Liberty and Independence of this Nation; and that they would Name Commissioners to Treat with *England* for regulating Commerce, and other concerns with that Nation, previous to all other Business, except an Act for two Months Cess, first of all to be granted for the present Subsistence of her Majesty's Forces. Thereupon the E. of *Marchmont* made a long Speech, the substance of which was, 'That since the House had resolv'd not to fall immediately upon settling the Succession, it was reasonable that an Act should be made to exclude all *Popish* Successors: To which the Duke of *Hamilton* answer'd, *That he should be one of the first who should draw his Sword against a Popish Successor, though he did not think this a proper Time, either to settle the Succession, or to consider of the Earl of Marchmont's Proposal.* After some Debates, the Consideration of the Duke of *Hamilton's* Resolve was adjourn'd to the 21st, when it was moved, That the Act presented by the Lord Justice Clerk, and declar'd by him to be for fourteen Months Supply, payable in two Years, might likewise be consider'd: Whereupon, after debate, it was put to the Vote, whether to give a Cess for two, or for six Months? And it was carried by 16 Voices, that it should be for six Months. The same day, an Over-ture by Mr. *Fletcher* of *Salton*, for nominating Commissioners to Treat with *England* was read; as was also a Petition of *David Baillie*, Prisoner in the Castle of *Sterling*, by sentence of the Council, for accusing the Duke of *Queensberry*, and the Marquis of *Anandale*, of a design to suborn him against the Duke of *Hamilton*, the Duke of *Athol*, and others, in Relation to the Plot; praying to be set at Liberty, which was granted, upon his finding Bail to appear before the Parliament, when call'd.

On the 25th of *June*, The Act of Supply was again taken into Consideration, and an additional Clause about the Security of the Kingdom, offered to be added to the Act of Supply, read; And after debate thereon, the following Resolve was offered by the Lord Rofs, viz. *That the Parliament will proceed to grant two Months Supply for subsisting her Majesty's Forces, and as soon as the Act of Security, now read, has*

*got*

## Queen ANNE's Reign.

35

got the Royal Assent will give four Months more. And then a second Resolve was presented by the Earl of Roxburgh, viz. That there be a first reading mark'd on the Act for Security, and that both this Act, and that for the Supply, lie without being farther proceeded on, until his Grace, her Majesty's Commissioner, receive Instructions as to the Act of Security, it being then free to the Parliament to proceed to the Acts jointly or separately, as they shall think fit. After reasoning on both the Lords Resolves, the Question was stated, approve the first Resolve presented by the Lord Ross, or the second Resolve presented by the Earl of Roxburgh, and carried, approve the second. And the Act of Security being read, a first reading was ordered to be mark'd thereon.

A. C.  
1704.

Her Majesty's Commissioner appointed the next sitting of Parliament to be for discussing private Business; and 'twas agreed that previous to all other, the Act of Dissolution, in favour of James Marquis of Montrose, should be taken into Consideration.

Ten days after, the Act of Security receiv'd the Royal Assent, upon which occasion the Lord High Commissioner made the following Speech:

*Act of Security pass'd,  
Aug. 5.*

*My Lords and Gentlemen,*

AT your sitting down, her Majesty in her Gracious Letter recommended to you two things, which she thought most necessary for your own Quiet and Security, as well as for that of her Government; The settling of the Succession in the Protestant Line, and the providing for the Subsistence of the Forces; the Funds last given for that End being then exhausted. The first of these you have not thought fit for your Interest to do at this time, I heartily wish you may meet with an Opportunity for it, more for your advantage, at another. The other all of you seem'd most ready and willing to go into, as witness the several Motions and Resolves made there anent, but withal shew'd strong Inclinations for an Act of Security, as absolutely necessary. I told you then, as I had done at first, that I had been fully empower'd, and instructed not only as to that, but many other things for your Good, but upon the Alteration of Circumstances had not now the Liberty to make use of those Pow-

*The High Commissioner's  
Speech to the Parliament.*



A. C. 1704. *ers even as to that, till I had acquainted her Majesty, and knew her Mind, which I would do, and use my outmost Interest to procure it favourable, which was the true Reason of your long Adjournment, and not what was insinuated by some, who ought to have known me better; the Character I have in the World, being, as I hope, above so mean a Reflection.*

*And now, My Lords and Gentlemen, I can tell you that from her Majesty's innate Goodness, and Gracious Disposition towards you, it hath been more easie for me, and some other of her Servants, to prevail with her than perhaps was by others expected; so that you have an Act of Security sufficient for the Ends proposed: And it's hop'd at the same time you will perfect that of Supply, which you your selves seem convinced to be absolutely necessary at this time, and without which, neither the Forces can be kept on foot, nor any Frigates maintained for guarding our Coasts, and securing our Trade, both which, now lying before you, I hope you will go presently about; that when finished they may have the Royal Assent, which I am ready to give, and thereafter you may have time to proceed to other Business relating to Trade, or your other concerns, wherein I shall be willing to comply with your Desires, so they be within the Bounds of my Instructions.*

Four Days after, it was moved and agreed, that a Day be appointed for Examining the Plot; and that such Papers concerning it, as were sent from London to the Privy Council, might be transmitted to the Clerks of the Parliament. The same \* Day, an Act discharging the Importation of Wollen Manufactury, and allowing the Exportation of Wool and Skins was read, and after some debate, order'd to be mark'd a first Reading. The four † next *Sederunts* (or *Sittings*) of the Parliament were wholly spent on the

† *Viz.*

Aug. 11,

14, 15, 16.

Examination of publick Accounts. And on the 22<sup>d</sup> of August they had a long and high debate about the Exportation of Wool: Many Members wisely urging how ill it would be taken by the *English*; But at last it being put to the Vote, export or not? It was carried in the Affirmative; though it was afterwards

resolved

resolv'd that a Restriction should be put upon it, by an additional Duty. The next \* Day the Act allowing the Importation and Exportation of Wool pass'd the House: And on the 24th, the Captain of an *English East India* Ship seiz'd by order of the *Scotch African* Company, and accus'd of breaking Bulk in *Scotland*, presented a Petition to the Parliament: But the Company having given in another Petition on their side, to justify their Proceedings, the House would not meddle in that Affair; so that it was left to a Trial at Law. Three Days after the High Commissioner made the following Speech to the Parliament.

A. C. 1704.

Aug. 23.

My Lords and Gentlemen,

YOU have now sat long, and I think you cannot complain that you have been cut short by frequent Adjournments, or short Sederunts. In this time more might have been done, however some good Laws are past, and one in particular which gives sufficient Evidence of the Disposition her Majesty was in to have gratified you in whatever was reasonable. I advertis'd you lately, that you had not much longer to sit, and though I cannot but say the time you had since has been very usefully employed, yet, if there had been more dispatch made, some of those good Laws which are now before you might have past; but now I must tell you, that I am not allowed to give you any more time, her Majesty thinking a short Recess necessary at present, so it will not be long till you may have another Opportunity of doing what still remains fit to be done, for no Disappointment her Majesty hath met with, can alter, in the least, her favourable Disposition towards this her ancient Kingdom.

The High Commissioner's Speech, Aug. 27.

Which done, the Parliament, by his Grace's Order, was Prorogued to the seventh of October: But before they separated, they drew up an Address to her Majesty, desiring that the Evidence and Papers relating to the Plot, might be laid before them against next Session.

The Parliament Prorogued.

As her Majesty did sincerely wish, and had earnestly recommended the settling of the Succession in the Protestant Line, so it was no small Disappointment and Trouble to her Majesty, to see those measures baffled, which had been taken for that purpose.

Reasons why the settling of the Succession on miseries in

A. C.

1704.

\* See a  
Pamphlet:  
Reflections  
on the Lord  
Haver-  
sham's  
Speech, p. 7.  
& seq;

An ingenious *Scotch* Gentleman, who seems to be well versed in the Affairs of his own Country, and who has made it his Business to enquire into the Reasons of that miscarriage, assigns \* the following: First, the Alterations that were made in the Ministry, which being neither early nor universal enough, occasion'd the Divisions that happen'd in the Parliament; and made the Ministry so weak, that instead of doing every thing, they could do nothing; by reason of the difficulty of reconciling People on a sudden, who had been so long in opposition as the new Party, and many of those of the late Court, who had fallen in with such Measures, as the other Party thought prejudicial to the Country. Secondly, the doubtful Event of the Campaign, which encourag'd the Enemies of the Succession to oppose it. Thirdly, a Rumour maliciously spread, that those intrusted by her Majesty, acted wholly by *English* Influence, and out of a servile Compliance with the desire of a prevalent Party in *England*, whom a disaffected Party in *Scotland*, misrepresented as Enemies to the *Scots*, because of that and some former Proceedings: Which was improv'd to such a Height, that several Gentlemen, formerly very popular for Services to their Country, and now zealous for the Succession, were insulted by the Rabble. Fourthly, an unaccountable Liberty that many People took to express their suspicion of the Court's Sincerity; and the falling in of 32 or 33 Members, who had, one way or other a Dependence upon the Court, and the old Ministers, with the Resolve for putting off the Succession, till the *Scots* had a previous Treaty with *England*, in relation to Commerce, and other concerns with that Nation: Which Members would have otherwise been for the Succession, but were tempted to take this method, by suggestions that they might find their Account better by defeating it in the Hands of those now employed by her Majesty; which would give a handle for the employing those again, who had so lately oblig'd them with Places and Pensions, and would then be in a Capacity to oblige more of them, in like manner. Nor is it to be omitted, says my Author, that they were persuaded this would give them an Opportunity of making



king their Court to the next Successor, by shewing how much their Influence might conduce to the furthering, or retarding the Succession: Which they were the more induced to comply with, because of a Report industriously spread in *Scotland*, that the change in the Ministry was only made to serve a Turn; that their old Friends would come in play again; and that those who opposed the Succession at present, should then be the Men in favour. Fifthly, as the putting the Succession upon the foot of a Treaty with *England*, was the surest, as well as the most plausible and unexceptionable way that could be taken to delay it, so they that propos'd this were encourag'd to it by Letters from *England*, after the arrival of which, those who were for settling the Succession, immediately lessen'd in their number, tho' before that time they had good ground to think they had a majority. Nor are we to wonder at the influence of this Proposal upon many honest Men, who did not perceive the Craft and Danger of that Expedient, by which they hoped to encrease the Trade of their Country, which is in a ruinous Condition, and has ever been declining, since the *English* Act of Navigation. In the Sixth and last place, this Author tells us, there were several other Causes of less Weight, which being joyn'd together, had no small influence in defeating the Succession. As 1. Some oppos'd it out of meer Humour, because they were not at first taken into the Measures, or put into Posts. 2. Some People being Conscious that they had made themselves liable to the Justice of the Nation, for some foul Proceedings relating to the Plot, and for such Advices, as tended to little less than a Conquest of their own Country by an *English* Power, were willing to exchange the Succession with a Respite from Prosecution, and to make sure of that, by joining the Malecontents of the late Court Party, and those who are Enemies to the House of *Hannover*, in order to defeat the Succession at this Time: Tho' they may hereafter make their Court, by pretending they did not oppose the Succession, but only the Limitations, because they hate all Incroachments upon the Prerogative. And 3. Some of the new Ministry having been formerly of the Country

Party,

D 4

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Party, they could not but resent both in Publick and Private, the injuries they suppos'd were done to the Kingdom of *Scotland* in the late Reign. Which by their Adversaries was interpreted to be downright *Jacobitism*, railing upon King *William*, running down the Revolution, and sapping the Foundations of Church and State; and that some Dissenters about *London* being alarm'd at it, Communicated their Fears and Jealousies to their Brethren in *Scotland*; so that the Lords and Gentlemen entrusted by her Majesty to carry on the Succession, were sought to be ruin'd in the good Opinion of both Nations. Thus far my *Scotch* Author, on whose Reasons and Conjectures the Reader may lay what stress he thinks fit.

The news of the Glorious Successes of her Majesty's Arms Abroad, which by this time had reach'd *England*, made an agreeable Diversion to the sad Prospect of things in *Scotland*; but to give a full Idea of the Great Actions perform'd this year, by the Duke of *Marlborough*, it is necessary to premise a short view of the Posture of Affairs in *Europe*, before his Grace went into the Field.

The Posture  
of Affairs  
in Europe,  
before the  
Duke of  
Marlbo-  
rough en-  
ter'd upon  
Action in  
the year  
1704.

All the World knows upon what Motives the *French* King concluded the late Treaty of *Reswick*; and that He condescended to restore to his Neighbours most of the Conquests he had made upon them since the Peace of *Nimeguen*, with design only to break the Confederacy, and in hopes of getting all again, with the *Spanish* Monarchy into the Bargain, by the Death of *Charles II.* who was then thought very near Expiring. This plainly appears, both from the *French* King's Delays in Evacuating the Places, which by the Treaty of *Reswick* were yielded to the *Spaniards* and *Germans*, and from his keeping up all the Standing Forces he had in his Service, during the late War.

The King of *Spain's* lingring Disease, disappointing the hopes of the *French* Monarch, the latter thought it Prudence to cover, for a while, his Ambitious designs: And, therefore Evacuated several Towns in *Flanders*, and on the *Rhine*; and disbanded a considerable number of his Troops. Being thus, in a manner unable to hurt his Neighbours by open Force, the *French* King had recourse to his usual Arts and Po-

Policy to divide them among themselves; which he did effectually, by amusing both *England, Holland and Portugal* with the *Treaty of Partition*. By this, he not only broke the whole Confederacy, made the Emperor jealous of *England and Holland*, and raised and fomented Feuds and Animosities in *England*; but likewise gain'd a considerable Party in the *Spanish* Nation: Who being Proud of the vast Extent of their Monarchy, could not well digest to see it dismembred. Thus the *Treaty of Partition* furnish'd the Duke de Harcourt, the French Ambassador at *Madrid*, and his second, Cardinal Portocarrero, with plausible Arguments, to procure, if not extort, the late King of *Spain's* Will; whereby he called the Duke of *Anjou*, the Dauphin's second Son, to succeed in all the *Spanish* Dominions: To the prejudice of the House of *Austria*.

That weak Prince dying soon after, the French Court by a gross distinction between the Letter and the Intention of the *Partition-Treaty*, laid that aside, and accepted the King of *Spain's* Will, which prodigious Accession of strength to the House of *Bourbon*, justly alarm'd all *Europe*. For all good Statesmen consider'd, that the French King being a Prince of much Wisdom and Policy, would manage the *Spanish* Dominions to the best advantage; and make the Treasures of the *West Indies* subservient to his designs. That he would rouse the *Spaniards* out of their inbred Lethargy, and not suffer their Strength and Substance to be wasted by haughty Idleness; That he would assist his Grand Son to re-unite both *Holland and Portugal* to the Crown of *Spain*; and cut off the *English* from their Trade to that Kingdom, the *Levant*, and the *East and West Indies*: Which by the Industry and Laboriousness of his own Subjects, would bring such a store of Wealth into his Dominions, as might enable him to arrive at Universal Empire.

To prevent these imminent Dangers, and to assert the Rights of the House of *Austria*, a new Confederacy was form'd by the late King *William* of ever Glorious Memory, between the Emperor, *England, Holland*, the King of *Prussia*, and most Princes and States of the Empire; but before the prefix'd day came, by which the High Allies had agreed to declare



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clare War against *France*, Death put an end to King *William's* Labours: Heaven reserving for his Lawful and Rightful Successor Queen *ANNE*, the Glory of humbling the Pride, and of defeating the Ambitious Designs of the *French* King.

The declaring War against *France* being resolv'd upon, it was necessary for the Queen to chuse a Person, who might at once Command her Armies, and reconcile the different Interests and Inclinations of Her Allies; and this Choice, both by her Majesty's Wisdom, and as it were the Designation of the whole Nation, fell on his Grace the Duke of *MARLBOROUGH*, a Person, whom Courage, Experience, Vigilance and Conduct, recommended for a *Captain-General*; and whom Wisdom, Penetration, Temper and Affability, had fitted for a *Plenipotentiary*: A Person, in a Word, capable to form great Undertakings, and to put them in Execution.

The Confederates were now to begin a War with infinite Disadvantage: For, whereas, formerly, not only all *Spain*, but the United Force of the whole Empire; and, for a considerable time, the Duke of *Savoy* acted in concert with *England* and *Holland*, against the Common Enemy; a Prince of the House of *Bourbon* did now fill the *Spanish* Throne; a *French* Army had over-run the State of *Milan*, and to this Army the Duke of *Savoy* (engag'd with *France* by the double Match of his two Daughters) had joyn'd his Forces. Of the nine Principal Members of the Empire, two, the Electors of *Bavaria* and *Cologne* had declared for *France*; and the latter had admitted *French* Forces into all his Fortified Towns, under the specious Name of *Troops of the Circle of Burgundy*. A third, the Elector of *Saxony*, King of *Poland*, was contending with *Sweden* and the discontented *Poles*, for his unsettled Crown, and was thereby hindred from sending his full Proportion of *Troops* against *France*; the Emperor had sent his Veteran Forces, under the Command of his best General, Prince *Eugene*, to keep the *French* at a Bay in *Italy*; and all the *Spanish* Towns Frontiering upon *Holland*, were Garrison'd with *French* Soldiers. Yet notwithstanding all these Disadvantages, from the Wise and Steady Councils of *England*; the Right Management of Her Majesty's Treasury; the just Measures concerted by

by the Duke of *Marlborough* with Foreign Powers; the Valour and Resolution of the *English* Troops, and the Vigour and good Conduct with which they were led on, good Politicians foresaw, that the Confederates would, at last, be an Over-match for *France*.

Our nearest and surest Allies, the *Dutch*, were the first that felt the Effects of her Majesty's good Choice of a General. For the Duke of *Marlborough* had no sooner put himself at the head of the Confederate Army, than *Mareschal Boufflers*, who with the Forces under his Command, had driven the Army of the States to the very Gates of *Nimeguen*, and alarm'd not only that Town, but all the United Provinces, was oblig'd to fly in his turn; so that the Duke of *Burgundy*, who was sent to that Army to learn how to fight, learn'd nothing from *Mareschal Boufflers*, but how to avoid an Engagement.

The Duke of Marlborough's Campaign in the year 1702.

The Duke of *Marlborough* finding it impossible to bring the *French* to a Battle, resolv'd to dispossess them of the Places which they held in the *Spanish Guelderland*, whereby the free Navigation of the *Maese* was interrupted, and the most important Town of *Maastricht* in a manner blockt up; and, according to this Resolution, having reduced *Venlo*, *Ruremonde* and *Stevenswaert*, he ended that Campaign by the Conquest of the City and Citadel of *Liege*.

The next year his Grace open'd the Campaign with the Siege of the important Town of *Bonne*; which, tho' extreamly well Fortified, and defended by a numerous *French* Garrison, yet by his Grace's admirable Conduct, was reduced in fewer days, than are spent by other Generals in Investing a Place, and opening the Trenches. By the taking of *Bonne*, the Archbishoprick of *Cologne* was wholly freed from their troublesome Guests the *French*, who being forc'd to keep within the Lines in *Brabant*, gave his Grace the Opportunity to make himself Master of the Town and Castle of *Huy*. While this Siege was depending, a great Council of War was held at the Confederate Camp; and the Question being put, what Undertaking should be gone upon after the Reduction of *Huy*? The Duke of *Marlborough*, with the Generals of the *English*, *Danes*, *Lunenburghers* and *Hessians*, insisted upon the Attracking the *French* in their

His Grace's Campaign in 1703.

A. C.

1704.]

their Lines, as an Enterprize that would contribute much more to the Glory and Advantage of the High Allies, than the Siege of *Limburgh*, which was propos'd by the Deputies of the States, and the *Dutch* Generals; but the latter would not consent to hazard their Troops in an Action, the success whereof they said, was at best uncertain; and which, if prosperous would yield no farther Advantage, than to find the Enemy retired into their Fortified Towns; whereas, on the contrary, should the *French* get the Victory, the United Provinces would remain expos'd to their Incurfions. Thereupon the project of Attacking the Lines was laid aside, and the Resolution taken to Besiege *Limburgh*; Which Conquest put an end to Duke of *Marlborough's* second Campaign in the *Netherlands*.

The distress'd Condition of the Empire at this juncture.

The *French*, it seems, were contented to stand up on the Defensive in *Flanders*, where they were indeed inferior, while their superiority in *Italy*, on the *Rhine*, *Italy*, and in the very Heart of the Empire, gave them signal Advantages. For, by this time, Prince *Eugene* had been forc'd to leave *Italy*, to come and solicit Reinforcements at the Court of *Vienna*. The Duke of *Savoy*, who having discover'd the *French* King's Ambitious Designs, had thereupon lately entred into the Grand Alliance, lay expos'd to the Resentment of that Monarch, whose numerous Armies invaded his Territories in several Places. Count *Tallard* had made himself Master of the Town of *Brisac*, and retaken the strong Fortress of *Landau*, after he had defeated the *Germans* near *Spire*. The Elector of *Bavaria*, deluded by the fair Promises of the *French* King, and intoxicated with his own Ambitious Thoughts, had declared War against the House of *Austria*, seiz'd the Imperial Cities of *Ulm*, *Ratisbonne*, *Augsburg* and *Passau*; and being strongly supported by great Supplies of Men and Money from *France*, threatned no less than to march directly to *Vienna*. Nor did the Conjunction of the *French* and *Bavarians* alone distress the Emperor's Affairs: For the Court of *France* had, at this juncture, so effectually fomented the Discontents, and encourag'd the Insurrection, both of the Oppress'd and Persecuted *Hungarians*, that having form'd several formidable Bodies, under their Leaders, Prince *Ragotzi*, Count



*Caroli*, and Count *Berzeni*, gain'd several Advantages over the Imperial Troops; and made themselves Masters of many important Places; they now offer'd powerfully to assist the Elector of *Bavaria*, in his intended Invasion of the Emperor's Hereditary Countries.

Things being in this Condition, Count *Wratiflaw*, Count the Emperor's Envoy Extraordinary to the Queen *Wratiflaw's Memorial to* of Great Britain, did on the 2d of April 1704. pre-  
sent a Memorial to her Majesty, importing, 'That  
'having at several times, represented to her Majesty's Ministers by word of Mouth, the pressing Necessities  
'of the Empire, by the breaking in of a considerable Army of *French* into *Bavaria*; which, together  
'with the Insurrection in *Hungary*, had reduced the Imperial Hereditary Countries into an incredible  
'Perplexity and Confusion; so that it was to be fear'd an entire Revolution and Desolation of all  
'*Germany* would follow, if some speedy Assistance were not applied, proportionable to the great Danger they were now threatned with: He was extremely well satisfy'd with the Zeal her Majesty's  
'Ministers had for the common Cause, and with the Attention they gave to his Representations; but  
'nothing being as yet resolv'd on, though the Season was far advanc'd; and the final Resolution on the several Schemes that had been presented, being deferr'd till the arrival of the Duke of *Marlborough* at the *Hague*, this Envoy thought himself oblig'd before his Grace's Departure, to do his last  
'Endeavour by representing in Writing, the danger wherein the Emperor and Empire were at present  
'involv'd, That her Majesty out of the same Zeal for preserving the Liberties of *Europe*, for which she was so much fam'd among the Potentates in Alliance with her Majesty, would be pleas'd to order  
'the Duke of *Marlborough*, her Captain General, seriously to consult with the *States General* of the  
'speediest Method for assisting the Empire; or at least to conduct part of the Troops in her Majesty's pay beyond Sea, to preserve *Germany* from a  
'total Subversion; it not being just in it self, nor any ways advantageous to the common Cause, that her  
'Majesty's Troops should tarry on the Frontiers of *Holland*, which were not, in the least, threatned by  
'the

## The ANNALS of

The Queen's  
Answer.

' the Enemy, and were defended by great Rivers,  
' and strong Places, whilst the Empire was destroyed  
' by the *French* Troops with Fire and Sword. In  
' the Conclusion, Count *Wratislaw* said, that the  
' desire he most humbly presented was grounded on  
' the Alliance concluded between the Emperor, *Eng-*  
' *land* and *Holland*; pursuant to which he hoped,  
' her Majesty would give those Orders that were  
' necessary for the Assistance of *Germany*; by the  
' want of which he foresaw the Mischiefs that would  
' ensue to the common Cause; especially, if the  
' orders of the States General to recal their Troops  
' from the Empire, should take place in a time when  
' *France* endeavour'd to send a powerful Assistance  
' to their Army in *Bavaria*. To this Memorial the  
Queen was pleas'd to return an Answer by Mr. Se-  
cretary *Hedges*, importing, ' That the Duke of  
' *Marlborough*, Captain General of her Armies, had  
' receiv'd orders from her Majesty, to take the most  
' effectual Method with the States General of the  
' United Provinces, her good Allies and Confede-  
' rates, to send a speedy Succour to his Imperial Ma-  
' jesty, and the Empire. And to press the States to  
' take the necessary Measures to rescue *Germany*, from  
' the imminent Danger it was now expos'd to.

The Duke  
of Marl-  
borough  
Embarks  
for Hol-  
land,  
† Apr. 19.  
N. S.  
He arrives  
at the  
Hague,  
\* Apr. 21.

Either the foregoing Memorial was but matter of  
Form, or the Emperor's Envoy was then unacquaint-  
ed with the great Project which the Duke of *Marl-*  
*borough* had already form'd to deliver the Empire;  
and which 'tis said, he had communicated to three  
Persons only in *England*, to Wit, the Queen, the  
Prince of *Denmark*, and the Lord Treasurer; not to  
above two Persons more in *Holland*; and not to any  
of the Imperial Court, before he was ready to put  
it in Execution. In order to that, his Grace em-  
bark'd at *Harwich* towards the middle † of *April* with  
General *Churchil*, his Brother, Lieutenant-General  
*Lumley*, the Earl of *Orkney*, and other General Offi-  
cers; and two days \* after safely landed at *Maesland-*  
*Sluys*, and the same Evening came to the *Hague*;   
where he receiv'd the Compliments of the Foreign  
Ministers, General Officers, and other Persons of  
Distinction upon his happy Arrival. On the 23d  
of *April* (N. S.) he was attended by a Deputation of  
the States General, with whom he had a prelimina-  
ry,

ry Conference about the Measures he thought most proper to be prosecuted this Summer; and the same day part of the Garrisons of *Liege* and *Maestricht*, with the Troops that had been canton'd for some time in that Neighbourhood, consisting of 73 Squadrons, and about 40 Battalions, were order'd to assemble on the Rising Ground of *Leon*, and to encamp with the Left at the Village of *Harcourt*, and their Right near the River *Jaar*. About the same time the States General regulated the several Posts of their General Officers: Monsieur d' *Auverquerque*, the Field-Marshal, was appointed to command their Forces on the *Maese*, having under him the Counts de *Tilly* and *Noyelles*, as Generals; General *Slangenburg*, those on the *Moselle*; Lieutenant-General *Salisch* in *Brabant*; Lieutenant-General *Spaar* in *Flanders*; Lieutenant-General *Fagel* in *Flanders*; and Major-General *Belcastel* in *Savoy*. On the 2d of May his Grace had another long Conference with the Deputies of the States General, wherein he declared to them the Project he had concerted long before, and of which he had only given some Hints, to such of them as he had most Confidence in, when at the States desire he went last to the *Hague*: Telling them withal, That he thought his marching into *Germany* would most conduce to the Advantage of the Confederacy, and the Annoyance of the common Enemy; and therefore he doubted not upon their Report of this matter to the States General, but they would readily concur with him, and join their Forces with her Majesty of *Great Britain* in so glorious a Cause. The States spent a whole Day's Consultation upon the Duke's Proposals, to which some Members of that wise and potent Assembly, were somewhat backward to give their Concurrence; being apprehensive that by dividing thus their Forces, they might lose, in one Summer, all the Advantages they had gain'd by his Grace's Conduct and Valour in the two former Campaigns. The next Morning the Duke had a Conference with the States General themselves, and the Council of State, to whom he made a very lively Representation of the imminent Danger that threatned the whole Empire, and indeed all *Europe*, if an immediate Check were not given to the Progresses of the *French* and *Bavarians* in

The States  
regulate the  
Posts of  
their General  
Officers.

The Duke of  
Marlbo-  
rough  
opens his  
Project to  
the the  
States Ge-  
neral.

May 4.  
N. S.

The States  
concur with  
the Duke's  
Ger-Proposals.



A. C. Germany; adding, that being now entire Masters of  
1704. the *Maese*, and all the *Spanish Gelderland*, a small

His Grace  
sets out  
from the  
Hague,  
May 5.  
N. S.  
\* May 6.

† May 10.

number of Forces were able to secure their Frontiers. These Reasons supported by the Reputation of him that deliver'd them, and by the influence of those whom the Duke had trusted with his Secret, made so great Impression in the Minds of the whole Assembly, that all Affairs relating to the Operations of the ensuing Campaign, were in this Conference happily determin'd and adjusted; after which his Grace took his leave of them; and on the 5th of May at Night went in a Yacht to *Utrecht*. The next \* Day his Coaches met him at *Utrecht*, and carried him that Evening to *Vortz*, a Seat belonging to the Earl of *Albemarle*; from whence he proceeded towards *Ruremond*, giving Orders for the *English* Troops, and other Forces posted thereabouts, to join and march towards *Coblentz*. On the 8th the Duke came to *Ruremond*, where he was saluted with a Triple discharge of the Cannon, and complimented by the Bishop and Magistrates of the Place; who met him some distance from the Town. There his Grace gave the same Evening the necessary Orders for the Building of a Bridge, over which the *English*, and other Troops design'd, as 'twas industriously given out, for the *Moselle*, were to pass; those Forces in the mean time drawing together near *Boisleduc*, under the command of General *Churchill*, in order to proceed on their march to *Ruremond*. Two Days † after the Duke went to *Maestricht*, where he had the same Honours paid him as at *Ruremond*; and Monsieur d' *Auverquerque*, with several other General Officers having waited upon his Grace, the Duke accompanied them to the Camp, and having review'd the *Dutch* Army, was entertain'd by them at Dinner, and then return'd to *Maestricht*. On the 16th his Grace set out from thence; and the same Evening joyn'd the Detachment Commanded by Brigadier General *Ferguson*, with five Squadrons of *Dutch* Horse, and eleven pieces of Cannon of the *Dutch* Train. The 18th the Duke marched to *Bedbourg*, and was there joyn'd by General *Churchil*, with the *English* Forces and Train of Artillery, and the Army encamped with the Left at that Place, and the Right at *Caster*. The 19th the

the Prince of Saxe Zeitz, Bishop of Raab, and the Prince of Hesse, with other Canons of the Chapter of Cologne, came from thence to the Camp to wait upon his Grace; as did also Count Briangon, Envoy Extraordinary from the Duke of Savoy, to her Majesty of Great Britain.

The French  
endeavour  
to stop the  
Duke's Pro-  
gress.

The French in Flanders, both from the Duke's marching towards Coblenz, and the great Preparations made in that Place, thought his Grace design'd to open the Campaign with the Siege of Traerbach, and endeavour to advance into France along the Moselle; upon which Supposition they detach'd 8 Battalions, and 16 Squadrons towards that River, and gave out that they intended the Siege of Huy, imagining that by this Report, they might stop the Progress of the English General. But the Duke of Marlborough slighting that Amusement, and well knowing that the Forces he had left in Flanders, under the Command of Monsieur d'Auverquerque, were sufficient to frustrate any Attempt the French could make on that side; his Grace continued his March according to his fix'd Resolution, and on the 20th of May advanc'd from Bedbourg to Kerpen. The next Day his Grace moved as far as Kulsecken, where he receiv'd an Express from Prince Lewis of Baden, confirm'd by Letters from the Prince of Hesse, Monsieur Bulau. and Baron Hompesch, all agreeing in opinion, that the French might force their Passage through the Black Forest, and bring a new Addition of Strength to the Elector of Bavaria. And about the same time his Grace receiv'd advice from the Netherlands, that the Court of France had sent positive Orders to the Marechal de Villeroy, to march towards the Moselle with 35 Battalions, and 46 Squadrons; still upon the Conjecture, that his Grace might act on that side. Hereupon his Grace gave immediate Orders for his Forces to march, and for the greater Expedition, and to prevent the ill Consequences that might attend a Conjunction of the French and Bavarians, himself advanc'd with the Horse, leaving the Infantry to march with the Artillery and Baggage after him. On the 23d of May, his Grace leaving his Troops on a full March, went to view the Fortifications of Bonne, and having given his Directions to the Governor of that Place, return'd in the Evening

But in  
vain.

A. C. to the Army, where certain News came, that the  
1704. Recruits for the *French Troops in Bavaria*, and o-  
ther Reinforcements, join'd actually the Elector of  
The French *Bavaria*, three Days before, at *Villingen*.

Succours  
join the E-  
lector of  
*Bavaria*.

This Enterprize no less important than difficult, was executed with great Order, Diligence and Success, notwithstanding the Precautions of the *Germans*, and therefore deserves to be particularly remembred. The Marshal *de Tallard* had sent into the *Lower Alsace* 45 Boats fit to make a Bridge; the *Sieur Laubanie*, Governor of *Landau*, posted himself at *Germerstein*, with 7 or 8000 Men, and a great Train of Artillery; The Troops brought from the *Moselle* by the Count *de Coigny*, seem'd to march that way, and the Army of the *Mareschal de Tallard* was order'd likewise to march thither. These Preparations oblig'd the *Germans* to withdraw part of the Forces they had behind the Mountains, to reinforce those appointed to guard the Lines of *Stolhoffen*, and the Banks of the *Rhine*. The Recruits design'd for *Germany*, to the number of 12000 Foot, 3000 Horses, and 1000 Officers, were drawn together at *Newburgh*, and the Marquis of *Courtebonne* was posted on the other side of the *Rhine*, near *Huninghen*, with a Flying-Camp to give the *Germans* some Jealousie for the Forest-Towns, and the Lake of *Constance*. Mean time, the Elector of *Bavaria* march'd from *Ulm* the 4th. of May, with an Army of near 30000 Men, and used so much Diligence, that on the 13th. he arrived within Eight Leagues of the Source of the *Danube*, the *Germans*, who were surprized thereat, quitting their Lines, and retiring as that Prince advanced. The same Day, (the 13th.) the Troops commanded by the Marquis of *Courtebonne*, and the Recruits descended along the *Rhine*, and the Armies of the Marshal of *Tallard*, and Count *Coigny* advanced that Day to the Bridges laid at *Brusac* and *Rheinau*, were they passed the *Rhine*. The former arrived the 14th. at *S. George* near *Friburgh*, and the latter at *Langendentzling* at the entry of the Valley of *Waldkirch*, through which there was likewise a Pass. The same Day the Marshal of *Tallard* caused a Road to be made on his Right, leading into the Valley of *S. Peter*, and on the 15th. he Commanded a Detachment of Grenadeers with 10 Men out of each Troop of Horse



Horse and Dragoons, and 110 out of each Batallion, under the Command of the *Sieur de Zurlauben*, to Post themselves at *Kirchzarten*. The 16th. the Right Wing of the Cavalry with 2 Brigades of Foot march'd to possess the Camp of the *Sieur de Zurlauben*, who advanced towards the Mountain of *Torner*, Situate in the middle of the Passage. The Germans had built a Fort thereon: But had abandoned the same with several Redoubts and Intrenchments; And two Regiments they had posted in the Abby of *S. Peter*. quitted likewise that Post, with much Precipitation. The Marshal of *Tallard*, who had join'd the Detachment of the *Sieur de Zurlauben*, posted some Troops in those Posts, for the Security of 500 Waggon, which followed the Recruits, and to favour their Passage: The Marquis of *Courtebonne* march'd to Encamp at *Capel* at the entry of the Valley of *Friburgh* and the 17th. at *Faulkensteigh*, where the Equipages and Waggon met together, having passed in the Night under the Cannon of *Friburgh*, without any loss. Those Waggon were loaded with Ammunition, Arms, Provisions and Money for the Army and the Elector of *Bavaria*, who arrived the 16th. at *Donau Eschingen*, the Source of the *Danube*, where the Marshal of *Tallard* went to pay him a Visit. He continued there the 18th. to confer with him, and on the 19th. rejoin'd his Army near *Friburgh*: And having given Two or Three Days rest to his Army, decamped from the Neighbourhood of *Friburgh*, marching back towards *Offenburgh*, as if he design'd to attack the Lines of *Biehl*.

The Supinuity of the Court of *Vienna*, in trusting the Guard of the important Passes of the *Black Forest* to the Militia alone, was much reflected on; but the *Imperialists* not Fighting the Elector of *Bavaria*, when they might have engaged him with visible Advantage, was still more severely censured.

The Elector of *Bavaria* and the Marshal of *Marsin* being advanced towards *Dutlingen*, General *Thungen* thought fit to withdraw the Confederate Troops from the Lines between the *Danube* and the Lake of *Constance*, and posted himself at *Rotweyle* the 13th. with 8 Regiments of Horse, 9 Dutch Battallions and 2 of *Wolfembuttel*. He was reinforc'd the 14th. with another Dutch Battallion and 3 others, besides 3 Regiments

A. C.  
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giments of Horse of the Duke of *Wurtemberg*. The 15th. the Margrave of *Bareith* and Count *Stirum* arrived in the Camp with 12000 Men, besides 4 Battalions and 9 Squadrons of the Forces of the King of *Prussia*. Those Generals seeing they had a fine Army, consisting of 99 Squadrons and 42 Battalions, were resolved to attack the Elector of *Bavaria* the 17th. near *Villingen*, but Prince *Lewis* of *Baden* sent them particular Orders not to stir from their Camp, till his Arrival. The 19th. that Prince arriv'd in the Camp, and having held a Council of War, it was resolv'd to attack the Enemy the next Day. The Army broke up accordingly, but the Bavarians having Advice of their Motion, quitted their Camp with great Precipitation, leaving several Things behind, and retir'd to *Donau Eschingen*, and the Armies were so near, that some Bavarians were oblig'd to pass almost within Musket-shot of the Imperialists, who saluted them with several Volleys of Cannon. The 21st. the Elector march'd to *Husingen*, and advanc'd on the 22d. to *Furstenbergh*, and the 23d. to *Engen*. Prince *Lewis* being not able to attack the Bavarians, because they were parted by a deep River and a Morass, march'd to *Dutlingen* the 21st. and having pass'd the *Danube*, advanc'd to *Liptingen* the 23d. to streighten the Bavarians between the Lake of *Constance* and his Army, and oblige them to fight. The 24th. General *Bibra* join'd Prince *Lewis* of *Baden* with 7000 Men from the Lines of *Stolhoffen*, and both Armies mov'd towards *Stockach*, the only Pass through which the Bavarians could make their Retreat. The 25th. they Cannonaded each other, but during that Cannonading, the Bavarians march'd through a Defile, which was so narrow, that only Two Men could go through the same in Front, and on the 26th. in the Morning, their whole Army was gone through the same, and march'd to *Pfullendorf*, and from thence to *Saulgen*, having found a great Quantity of Provisions at *Pfullendorf*, which they had order'd to be laid up there, in their March to *Danau Eschingen*. They burnt that Place and several others. The Imperialists having thus suffer'd the Bavarians to escape, march'd towards *Moschircken*, and the 28th. in the Evening, arriv'd at *Riedlingen*. The Bavarians were for three Days without Bread, and had

had the *Imperialists* secured the Pass of *Stockach*, they must needs have laid down their Arms, and disbanded themselves. Some lay the Fault of it upon the Guides, who led the Army a great way about; but whoever was to blame, 'tis certain the *Imperialists* lost a very favourable Opportunity, which as it occasion'd great Murmurings in their Army, so it rendered the Arrival of Prince *Eugene* amongst them, very much wish'd for.

Prince Eugene comes to them.

By this time the Eyes of all Europe were fix'd on the Duke of *Marlborough*, who with unwearied diligence, advanc'd on the 25th of May to the Camp of *Newdorf* near *Coblentz*, where besides Mr. *Daventinus*, the Queen's Agent at *Frankfort*, and Monsieur *d'Amelo*, Envoy Extraordinary from the States General, who came to Compliment his Grace, the Count of *Wratistaw*, late Envoy from the Emperor to her Britanick Majesty, waited also on the Duke, to settle all Things for his Grace's further March, and his Conjunction with the Imperial Army. The 26th. whilst the Horse and Dragoons were passing over the *Rhine*, his Grace went to visit the Elector of *Triers* at his Castle of *Ehrenbreitstein*, where he was saluted with a Triple Discharge of the Cannon round the Place, and having dined with the Elector, in the Afternoon, march'd with his Forces to *Braubach*, a Town belonging to the Landgrave of *Hesse d'Armstadt*. The next Day that Prince gave a Visit to the Duke, who that Night came to encamp at *Nastatten*, and the 28th of May moved to *Schwalbach*. In the mean time, the Foot march'd the 27th from *Coblentz* to *Braubach*, and the next Day to *Nastatten*, having Orders to follow the Horse and Dragoons as close as was consistent with the March of the Artillery and Baggage.

The Duke of Marlborough continues his March. May 25.

During the Duke's Encampment at *Schwalbach*, Lieutenant General *Bulow*, Commander in chief of the *Lunenburgh* Forces, came to pay his Respects to his Grace, who the same Day receiv'd Letters from the Hereditary Prince of *Hesse*, and General *Hompesch*, acquainting him, that they were come to *Mayence*, expecting his Orders. The Duke had scarce read these Letters, when he receiv'd another Express from the States General to assure him; that, according to his Desire, they had given Orders for a Reinforcement of 8 Batallions, and 21 Squadrons to be sent after his



A. C. Grace, with all speed from their Army on the *Maese*; and that Monsieur d' *Auverquerque* had appointed 16 Squadrons of Horse, five of Dragoons, 7 Battalions of Danish Forces, and one of *Hesse*, for that Service. The Duke comes to Mayence. May 29<sup>th</sup>. N. S. The 29<sup>th</sup> of May the Duke continued his March from *Swalbach* to *Cassel*, being a Village on the *Rhine*, over against *Mayence*; and immediately upon his Arrival went to make a Visit to the Elector of that City, and found at the Landing Place, on the other side of the River, several of the Elector's Coaches, which attended to carry his Grace and his Retinue to the Palace. In the mean time, he was saluted by a Discharge of the Cannon round the City. His Grace and his Retinue were magnificently entertain'd at Dinner by the Elector, after which a Conference was held between the Generals about the further Motions of the Confederate Armies in Germany. The next \* Day, the Duke allow'd his Troops some rest; and, attended by the principal Officers of the Army, visited the Fortifications of *Mayence*; was again saluted with a Discharge of the Cannon; and dined with the Elector, who intended to come over the River, to return his Grace's Visit, and view his Troops, but was prevented by bad Weather. On the last Day of May the Foreign Ministers, who had attended the Duke from *Coblentz* to *Mayence*, having taken their Leaves of him, the necessary Orders were given for the Troops to pass the *Main*, which being perform'd, with all diligence, the Duke continuing his March towards the *Neckar*, encamp'd that Night at *Grootgerbout*; and advanc'd the first of June to *Quingenberg*. The next Day his Grace march'd to *Weinheim*; and the following † to *Ladenbourg*, where his Grace and the other Generals took their Quarters, and the Troops passed the *Neckar* over a Bridge of Boats, and encamp'd on the River side, over against the Town. Here the Duke thought fit to halt two whole Days, as well to give his wearied Troops some Refreshment. as not to leave too far behind the rest of the Auxiliary Forces, that were to serve under his Grace.

He passes the Main.

\* May 30.

† June 2.

The Duke's bending his March towards the *Danube* was a great Surprize to the French, who after their first Disappointment in their Conjectures, that his Grace might act on the *Moselle*, had entertain'd a jealousy

jealousie, that he would advance to the *Upper Rhine*, and might have a design upon *Landau*, both from his Grace's March to *Mayence*, and from the Governor of *Philipsburgh's* making a Bridge over the *Rhine*. Upon this suspicion *Mareschal Tallard* \* repass'd the *Rhine* at *Altenheim*, in order either to join the *Mareschal de Villeroy*, or to oppose the Duke of *Marlborough's* Passage of that River: Of which his Grace was † inform'd by an Express from Count *de Vehlen*, † General of the *Palatine* Horse, who commanded the Forces in the Lines of *Stolhoffen*. On the 5th of *June*, the Count *de Friesse* came to the Duke's Army, to acquaint his Grace from Prince *Lewis* of *Baden*, whom he had left with his Forces at *Ehingen* on this side the *Danube*, that the Elector of *Bavaria* was strongly encamp'd near *Ulm* on the other side. There came likewise intelligence, that Prince *Eugene* of *Savoy* was arriv'd in the Imperial Camp; and that the Hereditary Prince of *Hesse Cassel* was marching with the Troops of *Hesse* and *Lunenbourg* towards the *Danube*; whereupon Count *Wratislaw*, who during all this Campaign with unwearied Application, and admirable Address, made it his Business to create and cherish a good Correspondence, and mutual Trust, between the Duke and the Emperor's Generals: Count *Wratislaw*, I say, went from his Grace, to confer with Prince *Lewis* of *Baden*, upon occasion of the Motions of the Enemy, on the other side the *Rhine*; and to manage an interview between his Grace, and Prince *Eugene*, which was equally desired by both those great Generals.

Count  
Wratislaw creates a good Correspondence between the Generals.

The Duke having given orders to his Foot and Artillery, which pass'd the *Main* the 4th of *June* to follow, with the Reinforcement of Horse and Foot, which was marching from the *Maese* under the Duke of *Wirtemberg*, his Grace left *Ladenbourg* the 6th of the same Month, and march'd to *Wislock*. The 7th he came to *Eppingen*; and the next Day continued his March to *Great Gardach*; during which several of the Auxiliary Troops join'd his Grace, the rest, particularly the Foot and Artillery which that day pass'd the *Neckar* at *Heidelberg*, under the Conduct of General *Churchill*, receiving orders to meet his Grace at the Rendezvous at *Gielingen*. During the Encampment at *Great Gardach*, the Baron de *Stafte-*

A. C. 1704. *rol, Grand Mareſchal to the Duke of Wirtemberg,*

*came to compliment the Duke of Marlborough, in the Name of the Duke, his Maſter, and to aſſure him, that all poſſible Aſſiſtance ſhould be given to the Troops under his Grace's Command, in their march thro' his Maſter's Territories. On the 9th the Duke march'd with the Horſe from Great Gardach to Mondelſheim; where he halted the next Day, and in the Morning, receiv'd advice by an Adjutant General, that Prince Eugene of Savoy, with Count Wratiſlaw, were on the Road to his Camp, intending to Dine with his Grace. About three in the Afternoon his Highneſs arriv'd at the Duke's Quarters at Mondelſheim, where he was receiv'd with all the Marks of Honour and Reſpect due to his Rank and Quality. No doubt, Poſterity will be curious to know what paſſ'd at the firſt interview of the two greateſt Men of this Age, equal in Merit and Fame; both for their Courage and Conduct in Military Exploits; their Prudence in Council: their Dexterity and Addreſs in the management of Affairs; and their Politeness, Temper and Affability: But all that's hitherto come to our Knowledge, is, that after Dinner, the remaining part of the Day was ſpent in Conferences between the Prince and the Duke, wherein the mutual Eſteem they had before for each other, grew into a ſtrict Friendſhip and Confidence; which appear'd in all the Operations of the Campaign. The \* next day his Highneſs march'd with the Duke to Great Heppach, where his Grace ordering his Army to be drawn up in Battalia before the Prince, his Highneſs expreſs'd his ſurprize to find them in ſo good Condition, after ſo long and quick a March. In theſe words, 'My Lord, I never ſaw better Horſes, better 'Cloaths, finer Belts and Accoutrements: Yet all 'theſe may be had for Money; but there is a Spirit 'in the looks of your Men, which I never yet ſaw 'in my Life. His Grace was extreamly well pleas'd with the Compliment, and return'd it thus, 'Sir, 'If it be as you ſay, that Spirit is inſpired to them 'by your Preſence. On the 12th advice was brought from the Army under Prince Lewis of Baden, that three Regiments of Horſe march'd from thence the 8th to the Lines of Stolhoffen; and that the 10th they*

*First inter-  
view be-  
tween*

*Prince Eu-  
gene, and  
the Duke of  
Marlbo-  
rough,  
June 10.*

*Their Cha-  
racter.*

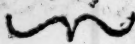
*\* June 11.*

*were*



were followed by 9000 Men of the *Prussian* Forces, in order to oppose the *French* on that side. The 13th in the Morning, the Duke was inform'd by Count *Wratislaw*, that Prince *Lewis* of *Baden* was coming Post to meet his Grace; whereupon the Duke sent Colonel *Cadogan* with a Compliment to his Highness, whom he found at *Eslingen*, with Prince *Lobcowitz*, his Nephew, and conducted them to *Great Heppach*. Amongst other Expressions of Civility, that pass'd between Prince *Lewis*, and the Duke of *Marlborough*, his Highness said, *That his Grace was come to save the Empire, and give him an Opportunity to Vindicate his Honour, which he was sensible was in some manner at the last Stake in the opinion of some People.* Mutual Compliments being over, a Conference was held between the Generals, wherein it was resolv'd, That the Auxiliary Troops in the Neighbourhood should join the Army on the *Danube* for some Days, and that Prince *Lewis*, and the Duke of *Marlborough* should have each his Day of Command alternatively, while they continued together; while Prince *Eugene* should repair towards *Philipsburgh*, to defend the Passage of the *Rhine*, the Lines of *Stolhoffen*, the Country of *Wirtembergh*, or act otherwise, according to the Motions of the *French*. The next Day early in the Morning, the Horse march'd from *Great Heppach*, where his Grace staid to entertain Prince *Lewis*, and Prince *Eugene* at Dinner, after which the former return'd to his Army on the *Danube*, and Prince *Eugene* went Post for *Philipsburgh* to command the Army on the *Rhine*. In the Evening the Duke join'd the Troops under his Command in their Camp at *Eberspach*, where the Prince of *Hesse*, with Monsieur *Bulow*, and the Baron *de Hompesch* attended, to give his Grace an account, that the Troops were all in the Neighbourhood, ready to march to the appointed Rendezvous. On the 16th the Duke march'd with the Horse from *Eberspach* to *Grossen-Seinsfen*; the other Auxiliary Troops marching at the same time in two Bodies, under the Command of the Prince of *Hesse*, and Monsieur *Bulow*, and encamp'd at some distance from the Duke, but dispos'd, in such a manner, that the whole might be able to join Prince *Lewis* in one Days March, as soon as he should make a motion with his Army towards his Grace.

The

A. C.  
1704.\* June 20.  
N. S.The Duke  
joins Prince  
Lewis of  
Baden,  
June 22† June 24.  
N. S.

That Day the Duke had advice from *Ulm*, that the Elector of *Bavaria* march'd the 15th with a considerable Detachment; and a Deserter, who came in the 18th reported, That some Regiments of his Forces were daily passing the *Danube*: Which was confirm'd by the Information the Grand Mareschal to the Duke of *Wirtemberg* receiv'd from *Ulm*, That the rest of the Elector's Army had pass'd the *Danube*, and that he had put his heavy Baggage into that City. On the 20th the Duke of *Marlborough* had an account from the *Rhine*, that six Days before the Mareschals *de Villeroy*, and *de Tallard*, had a Conference at *Landau*, but had not undertaken any thing as yet, and that the Day \* this Express was dispatch'd, Prince *Eugene* was join'd by the *Prussian* Troops, which made up his Army on the *Rhine* near 30000 Men. The 21st of *June* the Duke of *Marlborough* decamp'd with the Horse from *Grossen-Seinsfen*, and in his march was join'd by the Auxiliary Troops of *Lunenburg*, *Hanover* and *Hesse*. The Army encamp'd between *Launsheim* and *Urping*, and on the 22d made a Motion in order to join Prince *Lewis* of *Baden* at *Westerstetten*, at which place the Right of his Grace's Camp then lay. Prince *Eugene* of *Savoy* having desired of the Duke a further Reinforcement of Troops for the Security of the *Rhine*, and the Lines of *Stolhoffen*, his Grace thereupon sent Orders to Lieutenant-General *Sobelten*, to march to the *Rhine* with the seven Battalions of *Danish* Foot, which were coming from the *Maese*, and by this time were advanc'd as far as *Frankfort*, and to receive Orders from his Highness. On the other Hand, the Elector of *Bavaria* sent a considerable Detachment to *Dillingen* and *Lawingen*, with intent, that upon the advance of the Confederate Army towards the *Danube*, his whole Forces should possess themselves of that Camp. The 23d Prince *Lewis*, and the Duke continued in the Camp near *Launsheim* to form the Line of Battel; and the same day his Grace review'd the 12 Regiments of Foot that came into those Parts the preceding Year, under the command of Lieutenant-General *Goor*, with the four Battalions of the Duke of *Wirtemberg*'s Troops in the States Pay, which appear'd Compleat, and in very good Order. The next † day the Army march'd from *Launsheim* and *Westerstetten*, and

and encamp'd with the Right at *Elchingen*, near the *Danube*, and the Left at *Languenaw*, where they halted three Days, and the 28th march'd again, and encamp'd with the Right at *Herbrechting*, and the Left at *Gingen*, on the River *Brentz*, within two Leagues of the Elector of *Bavaria's* Army, which lay between *Dillingen* and *Lawingen* with the *Brentz* between the two Armies. The Twenty Ninth the *English* Foot and Artillery, who had been join'd in their March by a Battalion of the King of *Prussia's* Forces, arriv'd in the Camp, and took their Post in the Line, where an Interval had been left for them. The same Day the Generals held a Council of War, wherein it was resolv'd to draw near *Donawert*; whereupon, the last Day of *June* the Confederate Army march'd from *Gingen*, and *Herbrechting*, and encamp'd with their Right at *Lantshausen*, and their Left at *Balmershoffen*. The first of *July* they continued their March, in sight of the Elector of *Bavaria's* Army at *Dillingen*, and encamp'd with their Right at *Amerdingen*, and their Left at *Onderingen*. The E. of *Bavaria* judging rightly from this March, that the Prince and Duke intended to attack *Donawert*, sent a considerable Detachment of his best Troops to Reinforce Count d'*Arco*, who was posted at *Schellenberg*, a rising Ground near that Place, where he had already cast up great Intrenchments, and employ'd some Thousands of Pioneers for several Days, to perfect those Works which cover *Donawert*. But notwithstanding that great Advantage, the Duke of *Schellen-Marlborough* resolv'd to drive the Enemy from that important Post. Accordingly the necessary Orders were given to the Army, and the next Day his Grace advanc'd at three in the Morning, with a Detachment of 6000 Foot, and 30 Squadrons of *English* and *Dutch* Cavalry, besides three Battalions of Imperial Grenadiers; the rest of the Army, under Prince *Lewis*, following with all possible Diligence: But the way being very bad and long, the Detachment led by his Grace, cou'd not come to the River *Wernitz*, (or *Wernitz*) which runs by *Donawert*, till about Noon, and it was three of the Clock before they could get over that River with their Artillery. The Duke having passed the same at the Head of the Cavalry, view'd the Intrenchments, and made the

Necessary

The fight at  
Schellen-  
berg near  
Donawert  
July 2.  
N. S.



**A. C:** Necessary Dispositions for the Attack : In the mean time the *English* and *Dutch* Artillery began to thunder against the Enemy; who answer'd it briskly from their Batteries, and made us judge, by their Dispositions, that the Action would be very hot. These Preparations being over, the *English* and *Dutch*, Commanded by Lieutenant General *Goor*, and Brigadier *Ferguson*, began the Attack with unparallel'd Valour and Intrepidity before the Imperialists came up, and met with such a vigorous Defence, that they were twice repuls'd ; But after an Engagement of near an hour and half, the Imperialists being by that time come up, the Intrenchments were forc'd, and our Men made a terrible slaughter of the Enemy, pursuing them to the very *Danube*, where a great part of them follow'd the Example of Count *d'Arco*, and other General Officers, who sav'd themselves by swimming over that River. We took 15 Pieces of the Enemy's Cannon, with all their Ammunition, Tents, and Baggage, and 13 Colours, besides Count *d'Arco*'s Plate, with other Rich Booty, which was distributed among the victorious Soldiers. All the Confederate Troops that engag'd, behav'd themselves with a great deal of Bravery and Resolution, and the Horse and Dragoons shar'd the Glory of the Day with the Infantry : But the Attack being begun by a Batallion of *English* Guards, and the Regiments of *Orkney* and *Ingoldsby*, they suffer'd more than any others. It is to be Recorded to the Immortal Glory of the Lord *Mordaunt*, only Son to the Earl of *Peterborough*, that of a Detachment of 50 Grenadiers of *English* Guards, which he led on to the Attack, he escap'd unhurt with only ten of his Men. The Forces of the Enemy consisted of two Batallions of the Elector's Life-Guard, one of Grenadiers, 13 other *Bavarian* Batallions, 5 *French*, 4 Regiments of Cuirassiers of 800 Men each, and three Squadrons of Dragoons, making in all about 18000 Men, all choice Troops, Commanded by Count *d'Arco*, Field-Mareschal of the Elector of *Bavaria*'s Forces, Lieutenant General *Lutsemburg*, and Count *Maffey*, Generals of Battalia; besides two *French* Lieutenant Generals. The Duke of *Marlborough* gain'd great Honour in this Action, giving his Orders with the greatest Presence of Mind imaginable, and exposing his Person to the greatest danger.

Nor

Nor was Prince *Lewis* of *Baden* wanting in performing the Part of a brave and great General. The loss of the Enemy was computed at 5000 Men; nor was that of the Confederates much less; which, however, was abundantly made up by the gaining so compleat a Victory, as gave them a free Entrance into the Duke of *Bavaria's* Country, and forc'd that Elector to retire under the Cannon of *Augsburg*. Prince *Lewis* of *Baden*, General *Thungen*, the Hereditary Prince of *Hesse Cassel*, Prince *Alexander* of *Wirtemberg*, the Prince of *Saxony*, Count *Horn*, Lieutenant General, the Major Generals *Wood* and *Pallandt*, and Brigadier *Bedmar*, were slightly wounded. Lieutenant General *Goor*, the Prince of *Homburg*, the Prince of *Beveren*, the Counts *Van Erback* and *Schuylenburg*, and Major General *Beinheim*, were kill'd; and Count *Sturum* died not many days after of his wounds. The Elector of *Bavaria* was no sooner inform'd of the Defeat of his Troops at *Schellenberg*, than he quitted his advantageous Camp between *Dillengen* and *Lawingen*, and came to the other side of the *Danube*, over against *Donawert* in his march to the River *Lech*, to prevent the Confederates cutting off his Retreat to his own Country. The same Night he sent Orders to his Garrison at *Donawert* to set fire to the Town, to burn their Bridges and Magazines, and then to retire, for which end they had put Straw in every House; but the Confederates being advanced into the Suburbs, and laying their Bridge to pass into the Town, the Garrison durst not stay, for fear of having their Retreat cut off, and prefer'd their own Safety, before the Execution of their Orders: whereby the Townsmen saved their Houses. The Enemy burnt only their Bridges, and some Magazines, and retired in great haste early the next \* day; and at the same time the Confederates enter'd the Town without any opposition, and found in it 2000 Sacks of Meal, and great store of Oats, and all sorts of Provision and Ammunition, which the Enemy had not time to destroy.

\* July 3.

† July 4.

The 5th of *July* the whole Confederate Army passed the *Danube* over several Bridges of Pontons made for that purpose near *Donawert*, and Encamp'd at *Mertingen*, in the Elector of *Bavaria's* Country; whose Army was retreated to the other side the

For the  
Motions of  
the Confed-  
erate Army.

*Lech*

A. C. *Lech*, and Entrench'd themselves under the Cannon of *Augsburg*. The 6th was by the Duke of *Marlborough's* Orders observed as a Day of Thanksgiving for the late Success, throughout his Army; and Prince *Lewis* also directed *Te Deum* to be sung on this Occasion in his Camp, and in all the Towns adjoining. The *Danish* Horse, Commanded by the Duke of *Wirtemberg*, Encamp'd the 5th on the *Schellenberg*, and having the 6th passed the *Danube*, marched to the Ground appointed for them in the Camp, where Count *Palfi* arrived the same Day, with a Compliment from Prince *Eugene*, to the Duke of *Marlborough*, upon his Grace's Victory.

The Duke resolving to improve that Advantage, and to press the Enemy, before they recover'd the great Consternation they were under, order'd Count *de Frize*, with a Detachment of 4000 Men, and 12 pieces of Cannon, to prepare the Bridges for the Army to pass over the *Lech* near *Ginderkingen*, which were finish'd the same † Evening, without any opposition from the Enemy. This Detachment thereupon immediately marched over, and took post in the Country of *Bavaria*, where they were reinforced the 8th in the Afternoon by 6000 Men more. The whole Army marched at the same time, and came and encamp'd with the Right at *Hamiler*, and the Left at † *Ginderkingen* near the River. Upon the first notice of our Troops having begun to pass the *Lech*, the Garrison of *Nieuburg* abandon'd that Place, and retired to *Ingolstadt*: Whereupon a Detachment was sent by the Duke of *Marlborough*, to take Possession

† Others  
Spell it  
*Kinder-*  
*kingen*.

*Nieuburg* of *Nieubourg*; and Prince *Lewis* of *Baden* ordered General *Herberville*, who Commanded a separate Body of between 3 and 4000 Men, on the other side of the *Danube*, to remain there for the security of a Place of so much importance, for the drawing of Provisions out of *Franconia*, for the subsistence of the Confederate Army, while they continued in *Bavaria*. The Enemy having left a Garrison at *Rain*, a small Town, about half a League on the other side the *Lech*, the Confederate Generals resolved to attack it; whereupon the Army decamp'd from *Ginderkingen*, † passed the *Lech*, and came with the Right to *Stauda*, and the Left to *Burcheim*. The 10000 Men, that had passed the River two days before, were at the same time

† July 10.  
N.S.



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July 13.

time relieved by 9 Batallions and 15 Squadrons, that were to carry on the Siege of *Rain*, under the Command of the Count *de Frize*, to favour which Enterprize, the Army made a motion to the Right on the 12th of *July*, N. S. The next day the Count *de Vehlen*, General of the *Palatine* Horse, came to the Confederate Camp, with Advice from Prince *Eugene*, that the *Mareschals Villeroy* and *Tallard*, with an Army of 45000 Men, had passed the *Rhine* above *Fort Kiel*, giving out they intended to Succour the Elector of *Bavaria*, which was not doubted but one of them, at least, would attempt; and, therefore his Highness desired a reinforcement of Horse, that he might the better be able to observe the Enemies Motions. Thereupon Prince *Maximilian* of *Hannover* was detach'd with 30 Squadrons of Imperial Horse, with orders to joyn Prince *Eugene* with all possible diligence; and the Duke of *Marlborough* sent likewise an Express to acquaint the latter, that if he thought necessary a further number would follow. The same night the Trenches were opened before *Rain*, and our Approaches were carried on with so good Success, that by the 16th in the morning the Garrison desired to Capitulate, and the Articles being agreed upon, they marched out the next day, to the number of about 400 Foot, Commanded by the Count *de Mercy*, Brigadier General, and were conducted by a Party of Horse to the Elector of *Bavaria's* Camp near *Augsburg*. A Detachment of 400 of our Men took possession of the Place at the same time, and we found there 24 Brass Cannon, and some Ammunition, besides a considerable quantity of Corn, with other Provisions, which were ordered to be applied to the use of our Troops. Orders having also been given for the providing Magazines at *Newbourg* and *Rain*, for the subsistence of our Forces, we decamped the same day from *Burcheim*, and came with our Right to *Holtz*, and our Left to *Oosterhausen*. The 18th we continued our March, and encamped with our Right at *Kuepach*, and our Left at *Aicha*, a very fine Town, where the Generals took their Quarters, and caused a Magazine to be erected.

Rain taken  
July 17.

The

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\* The Em-  
peror writes  
a Letter of  
Thanks to  
the D. of  
Marlbo-  
rough.  
† See the  
Appendix,  
Numb. IV.

† The Duke  
refuses the  
Title of  
Prince.

The Emperor having a grateful Sense of the signal Service perform'd by the Duke of *Marlborough* at *Schellenberg*, writ a \* Letter of Thanks to his Grace, on occasion of that Victory; wherein his Imperial Majesty attributes, in a special manner, the Success of that day to his Grace's Conduct, and the Valour of the *English* Troops; not doubting but his Grace, in Conjunction with Prince *Lewis* of *Baden*, and the other Imperial Generals, would use their utmost endeavours to finish the Work, as gloriously as they had begun it; and put an end to the War which the Elector of *Bavaria* had rais'd in the heart of the Empire; which would be an eternal Monument and Trophy of the highest Glory to the *English* Nation, and Her most Serene Majesty, whose Ancestors had never before carried their Victorious Arms into *Upper Germany*. Upon the delivering this Letter to the Duke, Count *Wratisslaw* told his Grace; 'That the Emperor desired he would accept of the Honour intended him of the Title and Dignity of a Prince of the Empire; whereupon his Grace pray'd the Count to represent to the Emperor, 'That he was extremely sensible of his Imperial Majesty's Goodness towards him, beyond any thing he could deserve, but that his Ambition was entirely bounded in the Queen's Grace and Favour, whose abundant Kindness had been already extended towards him, beyond whatever he could have aim'd at, and that he must refer himself wholly to her Majesty's Pleasure. Thereupon the Emperor writ, with his own hand, a Letter to the Queen, wherein, after a Congratulation for the late Victory against the *French* and *Bavarians* near *Dona-wert*, ascrib'd principally 'to the Valour of the *English* Troops, by the Courage and Conduct of her Majesty's General, the Duke of *Marlborough*; His Imperial Majesty desired the Queen to lay her Commands on my Lord *Marlborough*, to accept a Testimony of his Imperial Majesty's Acknowledgment of his Services, since the Duke, himself, when the Count *Wratisslaw* intimated to him his Master's Intention, made some difficulty to admit it. Monsieur *Hoffman*, the Emperor's Resident at the Court of *England*, \* seconded this Letter with a short Speech, to acquaint the Queen, 'That he had Orders from his

\* July 23.  
O. S.

## Queen ANNE's Reign.

65  
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'his Master, earnestly to press, with all Respect,  
'that Her Majesty would be pleased to require his  
'Grace to make no further scruple in that matter.  
The Queen was at last prevail'd upon to comply  
with the Emperor's desire; but before her Pleasure  
could be made known to the Duke of Marlborough,  
his Grace had merited the Honour his Imperial Ma-  
jesty intended him, by an Action that will Immorta-  
lize his Name, and raise him to the Level of the most  
celebrated Captains.

The Confederate Army under Prince Lewis and  
the Duke of Marlborough, having rested two days at  
*Aicha*, made a small March from thence on the 21st of  
July, (N. S.) the Right advancing about half a League  
on this side that Town, and the Left to a Village  
call'd *Roebaeb*. The next morning the Duke of  
*Marlborough*, with the Piquet of the Cavalry of the  
Left, and a Detachment of 500 Foot, crossed the *Paer*,  
and marched to view the Ground for a Camp near  
*Friedberg*, where the Enemy had put a Garrison of  
200 Foot, and as many Horse, who, as soon as his  
Grace came upon the Plain, within sight of the  
Town, retired towards their Army, driving before  
them their Horses that were grazing near the Town,  
which they had not time to mount. Three Squa-  
drons of Dragoons were thereupon ordered to cut off  
their Rear; but by reason of the Ways thro' which  
our Men were to pass, they could not come up time  
enough to prevent their Escape: However, they took  
above 100 Horses in the Town, and pursued the rest  
to their Grand Guard, which, upon their Approach,  
retired under the Protection of their Camp. His  
Grace went into the Town, where he left 400 Foot  
and 100 Horse, under the Command of the Lord  
*North and Grey*, and then returned to the Camp. The  
23d our Army marched again, and encamped with  
the Right at *Wolfurtshausen*, and the Left at *Oostma-  
ring*; the Town of *Friedberg* being in the Center of  
the Line, and within a League of *Augsburg*, so that  
the Elector of *Bavaria's* Communication with his  
own Country, was in a manner entirely cut off. We re-  
ceived Advice from Prince *Eugene*, that the Mareschal  
*de Tallard* was arrived the 18th at *Villingen*; where-  
upon his Highness was marched with 20 Battalions  
and 60 Squadrons, including the 30 lately sent from



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The Hereditary  
Prince of  
Hesse  
Cassel de-  
clared Ge-  
neral of  
the En-  
glish and  
Dutch  
Horse.

our Army, to observe his Motions, having left the rest of the Troops under the Command of Count *Nassau Weilbourg*, to defend the Lines of *Stolhoffen*. The Hereditary Prince of *Hesse Cassel* returned from *Donawert* to the Army, tho' he was not yet quite recover'd of the Wounds he received in the Action on the *Schellenberg*, and the Duke of *Marlborough* declared him General of the *English and Dutch Horse*. The 26th our Army made a general Forrage in sight of the Enemies Camp, without any loss; and that Evening information was brought, that the Mareschal de *Tallard*, after he had been battering the Town of *Villingen* six days, had been obliged, upon Prince *Eugene's* advancing the 23d to *Rotweil*, to raise the Siege; That he marched two Leagues the same day, and was the 24th at *Durlingen*: And that Prince *Eugene* would march on the other side of the *Danube* to observe him. The 28th the Duke of *Marlborough* reviewed the Troops of our Left Wing, which appeared in very good Order; several of the Officers and Soldiers, that were wounded at the Action on the *Schellenberg*, being returned to their Regiments.

It was reasonable to believe, that after the defeat at the *Schellenberg*, which had been attended with the Conquest of *Donawert*, *Nieuburg* and *Rain*, the Elector of *Bavaria* would have made use of the favourable dispositions the Generals of the Confederates express'd towards him; since they took no other Advantage of their late Successes and great Superiority, than to offer him such Terms of Accommodation, as, considering the present condition of his Affairs, he ought not to have expected. But, tho' that Prince had approv'd the Articles which had been agreed on between Count *Wratislaw*, and Monsieur *Prilmeyer*, and had promised to come in Person, to the Confederate Camp to sign them; yet he recall'd his Word, upon Advice, that Mareschal de *Tallard* had passed the *Black Forrest* to come to joyn him, and sent back his Minister to acquaint Count *Wratislaw*, 'That since the King of *France* made such powerful Efforts to support him, he thought himself obliged in Honour to remain firm in his Alliance. This Breach of Promise of the Elector, was highly, and, indeed very justly resented by the Duke of *Marlborough* and Prince

The Elector  
of Bava-  
ria refuse  
to sign an  
Accommo-  
dation.

Prince Lewis of *Baden*, who thereupon † Commanded A. C.  
out the Count *de la Tour*, General of the Imperial 1704.  
Horse, and the Count *de Oostfrieze*, Lieutenant General  
in the Service of the States General, with 30 Squadronst July 29.  
of Horse and Dragoons, to plunder and burn the N. S.  
Country of *Bavaria* as far as *Munich*, the Capital Ci- His Coun-  
ty; hoping, that either a generous Compassion for try put un-  
his desolate Subjects, or the want of Subsistence, der Militia-  
would conquer the Elector's Obstinacy. Upon no- ry executi-  
rice of the Commission given to General *de la Tour*, on.  
the Inhabitants of several Places sent Deputies to the  
Duke of *Marlborough*, offering to pay large Contri-  
butions, to prevent Military Execution; but his The D. of  
Grace told them, That the Forces of the Queen of En. Marlbo-  
gland were not come into *Bavaria* to get Money, but to rough re-  
bring their Prince to Reason. On the last day of July, fuses Con-  
(N. S.) upon Advice, that the Elector of *Bavaria* tributions:  
had sent a Detachment of Horse towards *Landsparg*,  
the Duke of *Wirtemberg* was immediately sent out  
with 2000 Horse and Dragoons to observe them;  
but intelligence was soon after brought to the Gene-  
rals of the Allies, that the Enemies Detachment con-  
sisted only of 4 Squadrons, which were sent to rein-  
force the Garrison of *Munich*. Fresh Orders were  
then dispatched to the Duke of *Wirtemberg*, to joyn  
with the Count *de la Tour*, in the Execution of his  
Commission, which having been perform'd with ut-  
most Severity as far as *Munich*, whereby the Enemy  
was depriv'd of all manner of Subsistence on that  
side, those Generals rejoyn'd the Army on the 3d of  
*August*, (N. S.)

The Duke of *Marlborough* and Prince *Lewis* finding  
that the Elector of *Bavaria* was still inflexible, and  
that it was not possible to attack him in his Fortified  
Camp, under the Cannon of *Augsburg*, without infi-  
nite Disadvantage; and considering, besides, that  
Mareschal *de Tallard* was advancing with a conside-  
rable Body of Forces, they resolv'd to attempt the  
reducing of the strong Places of *Bavaria*, and to be-  
gin with *Ingolstadt*. Prince *Lewis* undertook to Com-  
mand, and carry on the Siege with the Imperial  
Troops, and the Duke of *Marlborough* to cover it with  
the Auxiliary Forces, which, in case of need, might  
be joyn'd by those under Prince *Eugene*, who by this  
time was advanced to *Dillingen*. Thereupon the



A. C. Confederate Army marched back on the 4th of *August*, N. S. from their Camp at *Friedberg* towards *Aicha*, burning all the Villages they had spared before between those two Towns, and having passed the *Paer*, came and encamped that Night at *Kiebach*, (or *Kip-pach*) their Left Wing reaching to *Aicha*, and the Right beyond the Castle of *Winden*. The next day the Army passed again the River *Paer*, near the Town of *Schrobbenhaufe*, leaving it to their Right, and encamped the Left Wing at a Place call'd *Kloosterberg*, above the little Town of *Hogewaert*, (or *Hochwaert*) and the Right behind the Town of *Schrobbenhaufe*. The same day Prince *Lewis* of *Baden* went to *Nieuburg*, to view the Artillery, and other Preparations for the Siege of *Ingolstadt*.

Tallard  
joins the  
Elect<sup>r</sup> of  
Bavaria  
Aug. 4.  
N. S.  
† Aug. 5.

On the other hand the *Mareschal de Tallard* with about 22000 Horse and Foot, being come to *Biberach*, on the 4th of *August* in the morning, he left his Troops, and went to the Elector's Camp. His Electoral Highness, after having left *Monsieur de Chamaranet* in *Augsburg*, with 8 Battalions and 4 Squadrons of French Troops, † marched with the rest of his Forces, to join the new Auxiliaries of that Nation at *Biberach*, as with intent to pass the *Lech* at that Place, in order to attack the Confederate Army. But this Feint was only to cover his true design, which was to pass the *Danube* at *Lawingen*, and to fall on the Army which Prince *Eugene* had brought from the Lines of *Biehl*, and which was then Encamped at *Hochster*, before his Highness could be reinforced.

See the  
Plan of the  
Battle.

The 6th of *August*, Prince *Eugene* having left his Troops at *Hochster*, went to the Main Army to confer with the Prince of *Baden*, and the Duke of *Marlborough*; and taking notice, in his way, of a Tract of Ground very proper for a Camp, being a Height that reach'd from the Villages of *Munster* and *Erlinghoven*, to the Wood near *Appershoven*, with a Rivulet before it, he thereupon sent Orders to his Army, to come and possess themselves of that advantageous Post; which was put in Execution that very Night. The same day the Duke of *Marlborough* having received Intelligence, that the Elector of *Bavaria* was come out of his Intrenchments, and was encamp'd by *Tirhaupten*, on the other side of the *Lech*, between *Biberach* and *Clooster-holts*, it was resolv'd to observe him, and to advance towards *Donawert*. On the 7th





See ANNA'S GENERAL to the Tories advance  
Such a SOVEREIGN, such a CHIEF, shall humble FRANCE.

A Scale of 1250. Geometrical  
Paces, or an English Mile.

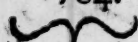


800 Imperial Horse were detach'd under Count A. C. *Merci*, Major General, to streighten the Town of *Ingolstadt* on one side, whilst Brigadier *Baldwin*, who from the 14th of *July* had been commanded out to *Ingolstadt* towards *Rain* with 500 Horse, receiv'd Orders to Invest the same Place, on another side. The same day Prince *Lewis* return'd to the Camp, where he held a Council of War with Prince *Eugene*, and my Lord Duke; in which it was agreed to continue in their late Resolution of Prince *Lewis's* Besieging *Ingolstadt*, whilst the Other Two should observe the Elector of *Bavaria*. The 8th the Army under the Duke of *Marlborough* march'd from *Hogewært* to *Zanditzell*; and that of the Emperor, under Prince *Lewis*, on the other side the little Town of *Potmes* or *Beemen*, which was already reduc'd in *Alhes*. The 9th the Duke advanc'd within two Hours march of *Rain*, and posted his Left Wing at *Enheim*, and his Right at *Tillingen*, and here Prince *Lewis* went another way, and bent his March directly to *Nieuburg*, to repair from thence before *Ingolstadt*. He took with him two and twenty Battalions of Foot, the Regiments of Horse of *Cronsfeld*, and *Hohenz Sollern*, the Cuirassiers of *Merci*, and the Dragoons of *Castelli*, leaving the Duke of *Marlborough's* Army, under the Command of the Duke Regent of *Wirtemberg*, General of the Horse, the Cuirassiers of *Zanthen* and *Cusani*, the Dragoons of *Styrum* and *Auffsatz*, being Troops of *Franconia*, two Squadrons of Horse-Grenadiers of *Wirtemberg*, and three other, in all 28 Squadrons. The same day (*Aug. 9.*) my Lord *Marlborough* was inform'd, that the Enemy march'd from *Bieberach* to *Lawingen*, in order to pass the *Danube* there. Prince *Eugene*, who had taken his Leave of my Lord Duke, in order to return to his Army, came back not many Hours after to tell his Grace, that he had receiv'd the same Advice; whereupon having consulted together, near two Hours, the Prince went back again, and rejoin'd his Army the 10th. at Break of Day. My Lord *Marlborough*, at Two of the Clock in the Morning, order'd the Duke Regent of *Wirtemberg* to go before with the twenty eight Squadrons under his Command, causing him to be follow'd, a few hours after, by 20 Battalions under the Command of General *Churchill*, and directing them both

Pr. Lewis  
goes to Be-  
siege In-  
golstadt.

A. C.

1704.



to use all imaginable Diligence to join Prince *Eugene*, with Promise that he would soon be with them, with the rest of the Army. Accordingly, his Grace continued his March, on the 10th towards *Rain*, and encamp'd with his Right at *Middlestad*, and his Left at *Pluckingen*, having the Town of *Rain* in their Front, and the Quarter General at *Nederschonevelt*, where Bridges had already been laid cross'd the *Danube*. The same day the Prince of *Wirtemberg*, with the Horse and Dragoons, and after him General *Churchill* with the Foot and Artillery, pass'd that River on the Bridge that was at *Merxen*.

When Prince *Eugene* came the 10th, early in the Morning to his Army, he found them ready to march, to go and possess themselves of the Intrenchments of *Schellenbergh*, whither those that Commanded in his Absence had already sent Workmen, to put them again in a State of Defence: not judging it convenient to expect the Enemy in the Camp of *Munster* with an Army, that did not exceed 18000 Men. But the Prince caus'd the Tents to be immediately set up again, contenting himself with sending the Baggage to *Donawert*, rightly conjecturing, that the Enemy, who pass'd that day the *Danube* at *Lawingen*, could not come near his Army that same Evening, and that it would not be impossible for him to maintain the important Post of *Munster*, till my Lord *Marlborough* had joyn'd him. In the mean time, to be thoroughly informed of the Motions of the Enemy, he sent out 5 Squadrons towards *Hochstet*, which being return'd, reported, that the Enemy after having pass'd the *Danube*, had not retaken their ancient Camp between *Lawingen* and *Dillengen*, but that their Right extended as far as *Steinheim*, and that their Left was at *Lauingen*. Thereupon the Prince dispatch'd an Express to my Lord Duke to acquaint him with it, and to desire him to hasten his march. And, because it was most plain, that the Enemy, who were well inform'd of the weakness of the Prince's Army, were so far advanced that Day, only with design to attack his Highness the next, the Prince caus'd all his Infantry, and part of his Cavalry, to march to the Camp of *Schellenbergh*, keeping only with him 22 Squadrons of Dragoons of his own Army, with the 28 Squadrons which the Duke Regent of *Wirtemberg*



berg had brought to him. He pass'd the Night with these few Troops in the Camp of *Munster*, keeping the Horses ready Saddled, with resolution to preserve that Post, if possible, tho' without coming to an Engagement, till he had been joyn'd by the Duke of *Marlborough*.

A. C!  
1704.

The 11th the Express sent to my Lord Duke came back, and inform'd the Prince, that his Grace was upon his March ever since two of the Clock in the Morning, with design to joyn his Highness that very Evening at the Camp of *Munster*. He added, that the 20 Battalions under General *Churchill* were very near; whereupon the Prince, (who on the other Hand was inform'd by his Parties, that the Enemy made no motion that Day) caus'd all the Troops, which the Day before he had sent to *Schellenberg*, to return to the Camp of *Munster*. General *Churchill* came there betimes with his 20 Battalions, and in the Evening my Lord Duke arriv'd with his whole Army, the first Line of which had pass'd the near *Rain*, the *Danube* at *Donawert*, and the *Wer-nitz* near this last Place; and the second Line had pass'd the *Danube* at *Schonefeld*, and the *Wernitz* at *Oppersmorgen*. All the Troops being thus joyn'd, encamp'd between the Villages of *Munster* and *Erling-hoven*, and that of *Appershoven*.

The D. of  
Marlbo-  
joins Prince  
Eugene  
Aug. 11.  
N. S.  
See the  
Plan of the  
Battle.

The 12th at break of Day, our Generals went to view the Enemies Army, taking with them all the *Piquet*, which consisted of 28 Squadrons. They would have caus'd the Army to advance as far as *Greinheim* and *Wolperstette*, but that they perceiv'd 20 Squadrons of the Enemy in the Plain of *Overklaw*; and from the Height (C) which is by the corner of the Wood near *Wolperstette*, they saw, by means of Perspective Glasses, that all the Enemies Army was in motion, and their Horse marching forward. The Prince and my Lord Duke went up to the top of the Tower of *Thiffingen* (or *Daapfheim*) the better to view the Enemy, and took notice, that the advanc'd Squadrons of the Enemy stopt short, after they had perceiv'd Ours. At one of the Clock in the Afternoon, we saw the Quarter Masters of the Enemies Army set up their Camp Standards, and mark the Camp from *Bleinheim* to *Lutzingen*. Our Generals being return'd to our Army, order'd the necessary

A. C.  
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Passages to be made; whereupon Pioneers were sent near *Thiffingen*, to make Bridges of Communication on a Rivulet, which, indeed was narrow, but had high Banks. The Men were hardly at their Work, when the advanced Guards of the Enemy came as far as between *Schweiningen* and *Thiffingen*; and their *Hussars* obliging our Pioneers to retire as far as our Advanc'd Guard, which gave the alarm to our Camp, the Duke of *Marlborough* return'd that way with all the *Piquet*, seven Squadrons of Dragoons, which were encamped before the Quarter General, and five *English* Battalions of *Row's* Brigade, with the Battalion of *English* Guards, which were follow'd by a Brigade of *Hesse*, and a good part of our Army: But being come to the Rivulet, where the Pioneers had been repulsed, they found that the Enemy not only retired, but return'd full Gallop to their main Army. Our Advanc'd Guard was reinforc'd, and left under the Command of a Major General; and the two Brigades of Foot, which were in the Village of *Thiffingen* were also left under the Command of a like Officer, who posted his Men in the Hedges thereabouts.

See the Ap-  
pendix,  
Numb.  
XVIII.

At four in the Afternoon we plainly discover'd from the Tower of *Thiffingen*, the Enemies Camp, their Tents being set up; and saw, that they were possess'd of a very advantageous Post on a Hill; that their Right Flank was cover'd by the *Danube* and the Village of *Bleinheim*, and their Left by the Village of *Lutzingen*; and that they had before them a Rivulet, whose Banks were high, and the bottom Marshy; so that it was thought at first to be unpassable, as indeed it was afterwards found to be in several Places. In these Circumstances 'twas thought a very hazardous Enterprize, to attack so numerous an Army, in so advantageous a Post, which we could not approach, but by Filing of, and by Passing, in view of the Enemy, a marshy Rivulet, which could not be done in good Order. But then there seem'd to be an indispensable Necessity of Falling immediately upon the Enemy, before they had time to fortify themselves in that Post. For, besides that our Army should have wanted Forrage much sooner, than *Ingenstadt* could have been taken: our Generals were well inform'd, that the *Marschal de Villeroi* leav-

Reasons  
that moved  
the D. of  
*Marbo-*  
*rough* and  
*Fr. Eu-*  
gene to in-  
crease the  
Enemy



leaving Monsieur de Coigny in the Camp near Offenburgh, with a Body of Troops sufficient to keep within the Lines of Biehl the Forces we had there, was ready to make an Irruption into the Country of Wirtemberg with another Body, which might have acted in concert with the Elector of Bavaria, and have been reinforced by Detachments from that Prince's Army, to fall afterwards on the Rear of the Lines of Biehl, so that thereby the French Armies would have established a free Communication from the Rhine to the Danube, and have forc'd all to submit as far as the Mein; whilst the Elector from his Camp at Hochstedt, might have ruin'd a great part of the Circle of Franconia, and have brought things to that pass, that the Auxiliaries, under the Duke of Marlborough, should not have been able to find either Subsistence or Winter Quarters on the Danube, and in the Upper Germany; tho' on the other Hand, that great and seasonable Supply, could not have left the Empire in the Winter, without exposing it to the brink of Ruin, and leaving an entire Superiority to the Enemy. These prevailing Reasons made the Duke of Marlborough and Prince Eugene resolve to Fight: Whereupon, that very Night all the necessary dispositions were made for the Attack, and the Baggage sent to Rietlingen, a Village between Munster and Donawert.

Our Army had 52 Pieces of Cannon, and consisted of 66 Battalions and 178 Squadrons, which might amount to 50 or 52000 Men. That of the Enemy was near 60000 strong, consisting in 82 Battalions, and 160 Squadrons, with 90 pieces of Cannon, 8 of which were 24 Pounders. Their Right Wing was Commanded by Mareschal Tallard, and made up of the Army he had brought up to the Elector's Assistance, consisting in 60 Squadrons, and 40 Battalions of the best Troops of France. On the Left was the Elector with his Bavarians, and the Mareschal de Marfin, with the French Troops under his Command.

The 13th of August, a Memorable Day, on which the Fate of the Empire, or rather all Europe, was decided; about 3 in the morning, the Confederate Army began to pass the Rivulet, called Kessel on several Bridges that had been prepared the night be-

fore.

A. C:  
1704.

fore. They filed off in eight Columns, of which two of Imperial Foot, marched quite to the Right of all, towards the height along the Wood, having two Columns of Imperial Cavalry to their Left. The Left Wing, which was composed of the Auxiliaries, marched also in four Columns, to wit, two of Foot on the Left of the Imperial Horse, and two of Horse on the Left of all. Thus the whole Army advanced as far as the Rivulet near *Thiffingen*, where the Advanced Guards were ordered to return to their respective Bodies, and the two Brigades of *Hessian* Infantry, which had been left in that Village, under the Command of Major General *Wilks*, with 15 Squadrons which the Duke of *Marlborough* commanded out, formed on the Left of all a ninth Column, and so we marched towards *Schweiningen*. As soon as the nine Columns were arrived between that Village and the Wood, we made a Halt to observe the Enemy, whom we did not perceive to make any great Motion. About six of the Clock in the Morning, the Duke of *Marlborough* and Prince *Eugene*, who had posted themselves on \* a rising Ground, call'd to them all the Generals, to give them the necessary directions, in order to attack the Enemy, and then the Army advanced into the Plain, and were drawn up in order of Battle. The Left Wing consisted in 48 Battalions and 86 Squadrons; whereof 14 Battalions and 13 Squadrons were *English* Troops; 22 Squadrons *Danish*; 14 Battalions and 19 Squadrons *Dutch*; 13 Battalions and 25 Squadrons of the Forces of *Lunenburg*; 7 Squadrons of the Troops of *Hesse*, and some Troops of *Wurtemberg*. About seven of the Clock, before our Army was quite drawn up in *Batalia*, the Enemy, at the Approach of our Vanguard, gave a Signal by firing two pieces of Cannon, to call in their Forragers; set the Villages of *Onderklaw*, *Wolperstette*, *Weiler*, *Berghausen* and *Sweinenback* on fire, and we saw all their Camp in motion, their Generals with their Aids de Camps, Galloping to and fro, to put all things in order. On our side two Brigades of Foot, Commanded by the Lord *Cutts*, Lieutenant General, the Major Generals *St. Paul* and *Wilks*, and the Brigadiers *Row* and *Ferguson*, and supported by 15 Squadrons under the Command of Major General *Wood*, were order'd on our Left, to pos-

\* See the  
Plan, Letter C.

sefs



fell themselves of the two Water Mills near *Bleinheim*; which the Enemy did immediately set on Fire.

In the mean time our Army advanced as far as the *Morafs*, which being found Marshy, and unpassable for the Infantry, we quickly made five Bridges, (marked F in the Plan) with the Planks of our Pontons; and repaired the Bridge (mark'd G) on the high Road, which the Enemy had destroy'd. At the same time Prince *Eugene* caus'd the Right Wing to march along the Wood, to fall on the Flank of the Elector, who did extend his Left proportionably, to prevent Pr. *Eugene's* gaining his Flank, and in order to face him. The Enemy fearing also lest we should gain the Flank of their Right Wing, by possessing our Selves of the Village of *Blenheim*, sent that way several Detachments of Foot, and placed in it 28 Battalions, and 12 Squadrons of Dragoons: they posted also some Infantry in the Villages of *Overklaw* and *Lutzingen*, which extreamly weakn'd their main Battalia, and was one of the principal Causes of their Defeat.

To favour the Passage of the Left Wing, the two Brigades of Foot, commanded by the Lord *Cuts*, were order'd to go over the Rivulet first; which done, they posted themselves in a bottom, near the Village of *Bleinheim*; and for several Hours with wonderful Resolution, stood the Fire of Six Pieces of Cannon planted on the Height near that Village. At the same time, the Enemy fired very briskly on the Bridges that were laid for the Passage of our Infantry; but we quickly answer'd their Batteries by two of ours, the one \* *English*, the other *Dutch*: Which Cannonading did considerable Execution on both sides. About twelve of the Clock at Noon all things were ready, on our Left-wing for the Attack; and because it was found, that in several Places the Horse would want Fascines to pass the *Morafs*, orders were given that the Horse of our Second Line should provide themselves, each Squadron with 20 Fascines. By this time a good part of the Infantry of our main Battallia posted themselves in and about the Village of *Onderklaw*, and the Prince of *Holstein-Beck* possess'd himself of that of *Weiler* or *Schonback*, and caus'd a Counter-Battery to be erected there.

See the  
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All these Preparations being made, the Duke of Marlborough gave Orders for a general Attack, which was begun on the Left, at three Quarters past twelve. Major-General *Wilks* made the first Onset, with the five *English* Battalions of *How*, *Ingoldsby*, *Marlborough*, *Row* and *North* and *Grey*, and four Battalions of *Hessians*; supported by the Lord *Cuts*, and Major-General *St. Paul*, with eleven other Battalions; and the 15 Squadrons of Horse, under the Command of Major-General *Wood*. The five *English* Battalions led on by Brigadier *Row*, who charg'd on Foot at the head of his own Regiment, with unparallel'd intrepidity, assaulted the Village of *Bleinheim*, advancing to the very Muzzles of the Enemies Muskets; and some of the Officers exchanging Thrusts of Swords, with the *French* thro' the *Palissadoes*. But being expos'd to a Fire much superior to theirs, they were soon forc'd to retire, leaving behind them near one third Part of their Men, either kill'd, or mortally wounded, and amongst the latter, Brigadier *Row* himself. In this Retreat they were pursued by 13 Squadrons of the *French Gendarmerie* and *Carabiniers*, who would have entirely cut them in pieces, had not the *Hessian* Infantry stop't the Carrier of the Enemy, by the great Fire they made upon them. The *French* being repuls'd, and forc'd to fly in their turn, were chased by five Squadrons of *English* Horse, who by this time had pass'd the Rivulet; but whilst they rallied themselves, some fresh Brigades of the Enemy, superior in number, charg'd our Horse with great Vigour, and obliged many of them to repass the Rivulet with Precipitation. Here again the *Hessian* Foot perform'd notable Service; putting the Enemy to the Rout by their continual Fire, and Regaining a Colours which they had taken from *Row's* Regiment. Whilst *Row's* Brigade rallied themselves, that of *Ferguson*, commanded by himself, attack'd the Village of *Bleinheim* on the left, but with no better Success; and tho' both return'd three or four Times to the Charge with equal Vigour, yet they were both still repuls'd with like Disadvantage, so that it was found impossible to force the Enemy in that Post, without Sacrificing entirely our Infantry.

The



The *English* Foot having thus began the Engagement on the Left, the Horse of that same Wing pass'd the Rivulet pell mell over against the Center, or Main Battalia, of the Enemy. The Horse of our Right wing did also pass the Rivulet, having made several Passages with divers Pieces of Wood, which they found at hand. In a word, all pass'd and drew up in order of Battle, as well as the Ground would permit, on the other side of the Rivulet. The Enemy gave us all the time we wanted for that purpose, keeping themselves very quiet on the Hill they were possess'd of, without descending into the Meadow towards the Rivulet, insomuch, that even the second Line of our Horse had time to form themselves: *And to this Capital Fault of the French we ought principally to ascribe our Victory.* The Cavalry of our Left going up towards the Hill, that of the Enemy began to move at last, and charg'd our Men with a great deal of Fury. The *French* Infantry, which was in the Village of *Bleinheim*, made, at the same time, from behind some Hedges of that Village, a terrible Fire on the Flank of our Cavalry, which were advanc'd too near that Village; so that the first Line of Horse of our Left from the head of the Line, to the 3 Regiments of the Troops of *Hanover*, to wit, the Electoral Regiment, that of *Voigt*, and that of *Noyelles*, was put into such Disorder, that part of them retired even beyond the Rivulet. Hereupon Lieutenant General *Bulow*, Commander in Chief of the Troops of *Lunenburgh*, brought up from the Second Line his own Regiment of Dragoons, and two of the Troops of *Cell*, to wit, that of Major General *Villers*, and that of Brigadier *Bothmer*, which charged the Enemies Horse with so much vigour, that they broke them, and drove them beyond the second Rivulet call'd *Meulweyer*, and from thence to the very Hedges of the Village of *Bleinheim*. This gave time to those of our Men that had given Ground to repass the Rivulet, and to form a Second Line behind those Regiments of Dragoons, and some others that had join'd them; so that those Dragoons remain'd in the first Line, all the remaining time of the Action. The Cavalry of our Left having by this Success, gain'd the Advantage of forming themselves entirely in order of Battle, advanc'd leisurely to the Top of the Hill,

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Hill, and charg'd several times the Enemies Horse, who were always routed, but who, nevertheless, rallied every time, tho' at a considerable Distance, which gave us Opportunity to gain Ground. As we were preparing for a fresh Attack, *Mareschal de Tallard* caused ten of his Battalions to advance to fill the Intervals of his Cavalry, in order to make a last Effort; which the Prince of *Hesse Cassel*, General of the Horse, and the Lieutenant-General *Lumley*, *Bulow*, *Hompesch* and *Ingoldsby*, perceiving, they caused three Battalions of the Troops of *Cell* to come up to sustain our Horse. Then we return'd to the Charge; but the superior Fire of the Enemies Infantry, put our first Line into some disorder, so that it shrunk back, and remain'd for some time, at about 60 Paces distance from the Enemy, neither Party advancing against the other. At last our Men renew'd the Charge, and did it with so much Vigour and Success, that having broke and routed the Enemies Horse, the ten Battalions, who found themselves abandon'd by them, were entirely cut in Pieces; none escaping but a very few Soldiers, who threw themselves on the Ground as dead to save their Lives. *Mareschal de Tallard* rallied his broken Cavalry behind some Tents, that were still standing in his Camp, and seeing things in this desperate Condition, he resolv'd to draw off his Dragoons and Infantry out of the Village of *Bleinheim*. Thereupon, 'He sent one of his Aids de Camp to Marshal de *Marsin*, to desire him to Face the Enemy with some Troops on the Right of the Village of *Overklaw*, to keep them in Play, and favour the Retreat of the Infantry that was in *Bleinheim*. But *Marsin* represented to *Tallard's* Messenger, that he had too much Business in the Front of his Village; (where he had to deal with the Duke *Marlborough* in Person) 'and the rest of the Line, to spare any Troops, he not being Victorious, but only maintaining his Ground. In the mean time, Lieutenants-General *Ingoldsby* made the Prince of *Hesse*, and the Lieutenants-General *Lumley* and *Hompesch* sensible, how easily it would be intirely to defeat the French Cavalry by charging them on their Right-Flank: Which advice being put in Execution with a great deal of Vigour, the Enemy were presently disordered, and put to flight, and

See the Appendix, p.  
34.



and their Rout was entire. Part of them endeavour'd to gain the Bridge they had on the *Danube*, between *Bleinheim* and *Hochstet*, the other part among whom were the *Gens-d'Arms*, were closely pursued by the Dragoons of *Bothmar*, and those who escap'd being kill'd, threw themselves into the *Danube*, where most of them were drowned. Those who fled towards *Hochstet* rallied once more, making a show to succour the rest, but the Regiment of *Bothmar* faced them, and kept them in awe for some time, and being at length join'd by some other Regiments, the Enemy fled full Gallop towards *Hochstet*. The *Mareschal de Tallard* was envelop'd with the Run-aways, and taken near a Mill behind the Village of *Sonderen*, not far from the *Danube* by Monsieur de *Boinenbourg*, a Lieutenant-Colonel of the Troops of *Hesse*, and Aid de Camp to the Prince of *Hesse Cassel*. The *Marquis de Montperous*, General of Horse, *de Seppeville*, *de Silly*, and *de la Valiere*, Majors General; Monsieur de *la Messliere*, *St. Pouange*, *de Ligondais*, and several other Officers of Note, were also made Prisoners in this Rout.

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The French  
entirely  
routed.

Mareschal  
de Tallard  
taken.

While these things pass'd at the Village of *Bleinheim*, and in the Center, the Duke of *Marlborough* caused the Village of *Overklaw*, *Mareschal de Marsin's* Quarters, to be attack'd by the Brigade of *Berensdorf*, consisting of ten Battalions. The Prince of *Holstein Beck*, who commanded them as Major-General, pass'd the Rivulet at the Head of two Battalions, with a great deal of Resolution; but as the Imperial Cavalry which was to have supported him, was above two Musket Shot from him, he was hardly gone over when seven or eight of the Enemies Battalions fell on him with great Fury, before he could form his two Regiments; so that that of *\*Goor* was almost intirely cut in Pieces, and the Prince himself desperately wounded, and taken Prisoner. Our Men being sustain'd by some *Danish* and *Hanoverian* Cavalry charg'd a second Time, which had no better Success; but the third Time the Duke of *Marlborough* having himself brought up some Squadrons, which were supported by others of the Body of Reserve, made them advance with some Battalions beyond the Rivulet; whereupon the Enemy began to retire.

See the  
Plan, Let-  
ter K.

As

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† See the  
Plan.

The French  
in Blein-  
heim sur-  
render  
themselves  
Prisoners.

As soon as the Duke had perform'd this considerable Service, his Grace repaired to the Center, where finding the Action decided in our Favour, he caus'd part of his Victorious Cavalry to halt, to observe the Motion of that part of the Enemy, which by this time was drawn up beyond the Morass of *Hochstet*. During this halt the Elector of *Bavaria* was perceiv'd making his Retreat from the Village of *Lutzingen*; upon which orders were dispatch'd to General *Hompesch*, who with several Squadrons was pursuing the Enemy towards *Morselingen*, and who had already overtaken two of their Battalions, and forc'd them to lay down their Arms: Orders, I say, were sent to him to face about, and march to join those that halted; as well to prevent the Elector's falling upon *Hompesch's* Rear, as to form a Body in order to charge that Prince, who march'd in great haste, but in pretty good order with his Squadrons on the Left, and his Battalions on the Right. Before General *Hompesch* return'd from the Chace, the Right-wing of our Army was perceiv'd † at some distance behind the Elector; and appearing to be a part of his Army, marching in such a manner as might easily have flank'd us, had the Duke of *Marlborough* immediately charged him, his Grace, with great Prudence, sent out a Party to view them. During this time the Elector continued marching off with great Precipitation, till he reach'd the Morass of *Morselingen*. The French Horse being entirely defeated, and our Troops Masters of all the Ground, which was between the Enemies Left, and the Village of *Bleinheim*, the 28 Battalions, and 12 Squadrons of Dragoons which were in that Village, found themselves cut off from the rest of their Army; And despairing of being able to make their Escape, after a weak Attempt to repulse our whole Infantry that surrounded the Village, they capitulated at last about 8 of the Clock; laid down their Arms; deliver'd their Colours and Standards; and surrendered themselves Prisoners of War, on Condition that the Officers should not be search'd. By this it appears how few Men escaped of the 40 Battalions, which the *Mareschal de Tallard* had brought to the Elector of *Bavaria*, and which were all old Troops, and the very Choice of the French



French Infantry, since 28 of them were made Prisoners, and 10 entirely cut in pieces.

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It is now time to see how things pass'd on our Right, under the Command of Prince Eugene, who had to deal with the Elector of Bavaria, and the Marechal de Marfin. The Infantry of that Wing consisted only in seven Battalions Danish, and eleven Prussian, and the Cavalry in 92 Squadrons of the Troops of the Emperor, the King of Prussia, the Circle of Suabia and Wirtemberg, and other Princes and States of the Empire. The Enemy had in their Left-wing thirty Battalions, and a great many Squadrons of Horse: And they had posted fourteen Battalions in the Village of Overklaw, which Village my Lord Duke of Marlborough had taken upon him to cause to be attack'd by his Infantry. The Horse of our Right-Wing were most of them posted over against Overklaw: but the Eighteen Battalions, who were to the Right of all, had a great way to march before they could get up the Hill; and besides the Passage of the Rivulet being very difficult, the Attack could not begin on that side, as soon as Prince Eugene could have wish'd; And besides the Troops of our Right which posted themselves in a Bottom, not far from Lutzingen, were oblig'd to remain expos'd during three Hours to the Cannonading of the Enemy, without being able to make use of their Artillery, till at length a Counter Battery was rais'd near the Wood. Tho' our Right could not charge, till half an Hour after our Left had begun the Attack, yet they were pretty successful at first: For our Infantry, though much inferior in Number to that of the Enemies, maintain'd themselves against them with great Firmness and Resolution, and our Cavalry broke that of the Enemies first Line. But they were so vigorously repuls'd by their second Line, that part of 'em were driven, in great Confusion, beyond the Rivulet; and our Infantry having no more Horse to sustain them, was oblig'd, notwithstanding the great Resistance they made, to retreat three or four hundred Paces towards the Wood, with considerable loss, especially the two Battalions which were in the Flanks: Insomuch that things were at that time, in a very ill Condition on that side. The Infantry stood firm near the Wood, and Prince Eugene

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having rallied the Horse brought them up again to the Charge, but they were repuls'd a second time. They were rallied once more, and for near three Quarters of an Hour we stood within about 60 Paces of the Enemy, neither of the two Parties making any motion. We made use of that time to post the Troops advantageously, and to put them in order, after which we charg'd the third time. Our Cavalry had at first some Advantage over that of the Enemy, but were afterwards repuls'd by them, whereas our Infantry broke, and overthrew that with which they had to deal; tho' they could not march up to the Enemy, but thro' a most difficult Ground, where a small Number of Troops was sufficient to stop a great Number. Hereupon Prince *Eugene* left his Cavalry, seeing little likelihood of being able to rally them again, and came and put himself at the Head of the Infantry, who improving the Disorder into which they had put that of the Enemies, pursued them over Hills, Dales, Rocks and Woods, and having charg'd them again, did entirely rout them, and continued the Chace for above an Hour's March, as far as the Village of *Lutzingen*. Here Prince *Eugene* caus'd his Victorious Foot to make a Stand, to give time to his Cavalry, which had rallied a great way behind to re-join the Infantry. It is very remarkable, that at this last Charge, when our Infantry defeated, with so much vigour, that of the Enemy, there remain'd, by them but two of our Squadrons; notwithstanding which they pursued their Advantage, and gave not the Enemy time to recover themselves. The *French* Horse, daunted by our success, retir'd leisurely: Ours follow'd them with the same Pace, till having join'd our Foot, the whole Wing continued the Chace during an hour, as far as the Villages of *Morselingen* and *Teiffenhoven*, where the Enemy made a show to stand their Ground, that they might have the time to pass a great Morass, and reach *Dillingen* and *Lawingen*. As soon as the Action was decided on our Left-wing, my Lord *Marlborough* dispos'd himself to march with part of that Wing, towards the Village of *Oberklaw*, to charge the Left of the Enemy on their Flank, and to succour our Right, but he was inform'd by the way, by one of Prince *Eugene's* Aids de Camp, that there was no more need of



of it; That all was recover'd on his Highness's side, and that the Enemy had abandon'd the Villages of *Overklaw* and *Lutzingen*, after having set them on Fire.

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Thus this memorable Battle, which during near five Hours, was fought with dubious Fortune, ended at last in a most compleat Victory on the side of those, who before the Engagement had a visible Disadvantage. They \* whose Profession, and Duty, it is to ascribe all successful Events to the particular Influence of Divine Providence, may justly be allow'd to rank this Victory among Miracles; but Historians, who relating humane Actions, content themselves to trace them to humane Causes, cannot be thought Profane, if they attribute it to the invincible Courage and Intrepidity of the Confederate Troops, and to the Conduct and Bravery of their Generals: Since those Virtues are a peculiar Gift of Heaven. As the whole Action was, in a manner, managed and directed by the Duke of *Marlborough*, so the greatest share of the Glory is certainly due to him: But then it would be injustice not to own, that Prince *Eugene's* Portion in the Honour of that Day comes but little short of the other. It is acknowledged by all, that they both perform'd the Part of consummate Generals: Both giving their commands with all the Clearness and Composedness imaginable; Exposing their Persons, wherever their Presence was necessary, with the greatest Unconcernment; and preserving their Temper and Presence of Mind in the most present Dangers. The Duke very narrowly escap'd being kill'd by a Cannon-Ball, which grazed under the Belly of his Horse, and cover'd him with Dirt: The Prince was in the thickest of the Enemies Fire, but had also the good Fortune to come off unhurt. The other Generals of the Confederate Army, discharged their respective Commands with great Prudence, Activity and Valour. But among the rest, the Hereditary Prince of *Hesse Castel*, and the Prince of *Hannover*, Generals; *Lumley*, *Hoinpesch* and *Bulow*, Lieutenants-General; *Wood* and *Villers*, Majors General of Horse; the Lord *Curs*, the Lord *Orkney* and *Ingoldsby*; Lieutenants-General, the Prince of *Holstein Beck*, *Wilkins* and *St. Paul*, Majors General; and *Rox*, *Bergusson*

\* *Divines.*

*Humane Causes of this Victory.*

*Just Praises of the Duke of Marlborough, and Prince Eugene.*

*And of the other Generals.*

*As also of the Confederate Troops.*

## The ANNALS of

Praise and  
Censure of  
the Enemy.

\* See the  
Appendix,  
Number  
XVI.

and *Beronsdorf*, Brigadiers of Foot, deserve a particular mention. All the Troops in general fought with equal Bravery and Undauntedness, tho' with some different Circumstances of Courage, agreeable to the particular Temper of the several Nations, of which the Confederate Army consisted. The *English* Foot shew'd their natural Fire, Briskness and Intrepidity in their several Attacks of the Village of *Bleinheim*; the *Prussian* and *Danish* Infantry, their innate Firmness and Resolution on Prince *Eugene's* side, where they recover'd all; and the *German* Horse perform'd Wonders in the Center, particularly the Regiment of Dragoons of *Bothmer*. Having recorded the deserved Praises of our own Generals and Soldiers, we ought in Historical Justice to give the Enemy their due. All their Troops that engaged fought with Vigour and Courage, and had their Generals perform'd their Parts with answerable Prudence and Forecaſt, 'tis probable the Fortune of that Day had remain'd undecided. 'Tis true, the Elector of *Bavaria* maintain'd his Reputation of a Brave and Experienced Commander; nor was he ill seconded by *Mareschal de Marſin*; but then *Mareschal de Tallard*, and the Generals of the Enemies Right-wing, committed inexcusable Faults, both in throwing such a vast Number of their Men into the Village of *Bleinheim*, whereby their Center was extreamly weakened, and in suffering our Troops to pass the Rivulet, without any considerable Opposition. As for the tame Submission of those 28 Battalions, and 12 Squadrons that were posted in that Village, as it is justly \* censured by *French* Men themselves, so it will remain a Stain upon that Nation, which the gaining of ten Battles will scarce wipe off. For I am inform'd by several impartial Gentlemen, who were among the *English* and *Dutch* Infantry that surrounded the Village, that if those Troops, which were the best in *France*, had been led by resolute Commanders, they might have forced their Passage thro', and, at least half of them, have got off, and made an honourable Retreat; whereas now, that Infantry, to use the Expression of a *French* Officer, *Is the Laughing-stock of Nations*. As for the other Fault of the Enemy, in Letting our Troops pass the Rivulet undisturb'd, some charge it wholly on *Mareschal de Tallard*, who,



who, they say, being inform'd that the Allies were laying Bridges on the Rivulet, used this Expression, *If they have not Bridges enough I will lend them some;* and when they told him, that our Troops began to pass: *Let them alone,* said he, *the more comes over, the more we shall kill.* But others †, who make it their Business to excuse that General, assure us, 'That he had given positive Orders, not to let the Enemy pass the Rivulet, and to charge them as they pass'd, which Orders were not Executed, It is remarkable, that after the Fight two French Generals were entertain'd at Supper by the Duke of Marlborough, who with a great deal of Heroical Modesty, endeavour'd to divert the Discourse from the Business of the Day; but the French Officers would still bring it in, and one of them did say, 'That there was a Critical Moment in which Victory had been absolutely theirs, 'if the *Gens-d'Armes* had done their Duty. Of this Opinion were all those who would justify Mareschal de Tallard's Conduct; which being known to the *Gens-d'Armes*, they wrote a \* Letter to a Chief Minister of the French King to clear themselves of that Aspersi<sup>on</sup>. A Passage, which hapned soon after Mareschal de Tallard was taken, shews into what Trouble and Perturbation his Mind was thrown by that Misfortune. The Lord Tunbridge, one of the Duke of Marlborough's Aids de Camp, came to the French General, to offer him his Service, telling him, he was going to the Duke. Mareschal de Tallard desired his Lordship to tell his Grace, 'That if he would let these † Poor Men alone, (meaning the French in Bleinheim) and suffer them to retreat, he would send Orders, not to fire upon the Confederates. Which irrational Proposal being reported to the Duke, his Grace said, 'He wonder'd Monsieur de Tallard did not consider, that he had no Command where he now was. The same night that Captive General, with two or three more, was carried in the Duke's Coach to the Prince of Hesse's Quarters, where his Grace gave him a visit the next day, and told him, 'He was sorry that such a Misfortune should fall personally on one, for whom he had so great an Esteem. Monsieur Tallard returned the Compliment, by telling his Grace, *That he had the Honour of having vanquish'd the best Troops in the World:* To which the

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See the  
Appendix,  
Numb.  
XVIII. p.

See Ibid.

He used  
the French  
Expressions  
Ces Pau-  
vres Gens.

The Duke's  
compliment  
to Mares-  
chal de

A. C. Duke wittily replied, 'He thought his own Troops  
 1704. 'were the best in the World, since they had Con-  
 quer'd those, which the Mareschal accounted  
 'so.

The loss of  
 the Enemy  
 in the Bat-  
 tle.

The Enemies Loss, according to their Confession in  
 several intercepted Letters, amounted to near 40000  
 Men, in which number they include 4 or 5000 they  
 lost in their precipitate Retreat to the *Black Forrest*,  
 either by Desertion, or by the Pursuit of the *Hussars*  
 and *Peasants*, who made a great Slaughter of the  
 Stragglers. And, indeed, if it be consider'd, that  
 after an exact Computation, the number of the Pri-  
 soners we made, exceeded 13000 Men, of which  
 above 1200 were Officers; that we cut in pieces  
 10 *French* Battalions on their Right, and overthrew  
 into the *Danube* near 30 Squadrons of Horse and Dra-  
 goons, many of whom were drown'd; that their  
 Left Wing did also suffer very much, especially the  
 Foot: that besides 95 Officers that were found at  
*Hochstet*, *Dillingen* and *Lawingen*, the number of the  
 Wounded whom they brought off from *Ulm*, ex-  
 ceeded 7000 Men; if all this, I say, be consider'd, it  
 must be own'd, that those Letters spoke within Com-  
 pass. Tho' the *French* have been industrious enough  
 in concealing their particular Losses, yet it is known,  
 that the Count *de Verue*, General of the Horse, was  
 kill'd, Monsieur *de Busen*, and the Count *de Cleram-  
 baut*, Lieutenants General, drown'd in the *Danube*;  
 that Messieurs *de Blainville* and *Surlaube*, Lieutenants  
 General, died of their Wounds; that Monsieur *de  
 Marillac*, Brigadier, only Son to the Counsellor of  
 State of that Name, the Duke *de Humieres*, Brother  
 to the Duke of *Aumont*, the Marquisses *de Arpajou*,  
*de Hautefort*, and *de Beringhen*, were either kill'd or  
 drown'd; and that the Marquis *de la Baulme*, only  
 Son to the Mareschal *de Tallard*, was mortally wound-  
 ed, and died a few days after the Action. The Pri-  
 soners of note, besides the Mareschal *de Tallard*,  
 were the Marquis *de Monperous*, † *Mestre de Camp*,  
 General of the Horse, the Marquis *de Hautefeuille*,  
 † *Mestre de Camp*, General of the Dragoons, the Mar-  
 quis *de Marivaux*, and the Count *de Blanzac*, Lieute-  
 nants General; the Marquis *de Valseme*, the Marquis  
*de Seppeville*, the Marquis *de Silly*, the Marquis *de la  
 Valiere*, the Chevalier *de Croissy*, Mareschaux *de Camp*,  
 or

Prisoners  
 of Note.

† That is  
 General.



or Major Generals; Monsieur de la Messiliere, Brigadier General of the *Gens-d'Arms*; Monsieur de St. Second, Monsieur Desnonville, Monsieur d'Amigni, Monsieur de Signey, Monsieur de Montfort, Brigadiers of Foot; Monsieur de Jolly, Brigadier of Dragoons; the Marquis de Sassenage, Aid de Camp, and Son-in-Law to the Marechal de Tallard; the Chevalier de Ligondais, the Marquis de St. Poüange, the Baron de Heyder, Colonels of Horse; the Marquis de Vassé, the Marquis d'Aurival, Monsieur de Prie, Colonels of Dragoons; Monsieur de Nonan, Monsieur de St. Maurice, the Count de Lionne, the Marquis de Lasse, the Baron d'Elst, Monsieur de Balincourt, Monsieur de Saulveboeuf, Monsieur de Montenay, the Count de Gallard, Monsieur de Cressy, the Count de Tavannes, the Count de Schacq, Colonels of Foot; the Prince Maubecq of Lorrain, Captain of Horse; the Marquis d'Auvert, Captain of the *Gens-d'Arms*; Monsieur Foug, Major in the Regiment of Orleans; the Chevalier de Rocheplate, Cornet of the *Gens-d'Arms*; the Marquis de Carman, Under Lieutenant of the *Gens d'Arms*; Monsieur d'Ovilars, Ensign, and Monsieur Juissac, Guidon of the *Gens-d'Arms*; and the Sieurs du Breuil and la Morcelaire, Commissaries of Artillery. Besides the Prisoners, the Confederates got many other Ensigns of a compleat Victory, as above 100 pieces of Cannon, great and small, 24 Mortars, 129 Colours, 171 Standards, 17 pair of Kettle Drums, 3600 Tents, 34 Coaches, 300 laden Mules, 2 Bridges of Boats, 15 Pontons, 24 Barrils, and 8 Casks of Silver. This Success cost the Allies 4485 Men kill'd, 7525 wounded, and 273 lost, or made Prisoners. A great number in itself, but an inconsiderable Price for the infinite Advantage, which the Allies gained by their Victory. We lost few Men of Note, except the Prince of Holstein Beck, and Brigadier Row, who dyed of their Wounds after, and Philip Dormer, Lieutenant Colonel of the *English* Guards, Major Frederick Cornwallis, Lieutenant Colonel Dallyel, Lieutenant Colonel Fetherstonhaugh, Major Creed, Colonel John White, Lord Forbes, Captain, Major Chevenix, who were killed in the Fight. The principal Persons among our Wounded, were, the Lord North and Grey, who lost his Right Hand; the Lord Mordaunt, who had his Left Arm shatter'd; Colonel

Booty

Loss of the

Confederates

rates.

A. C. Hamilton, Lieutenant Colonel *Levingston*, Lieutenant Colonel *Peyton*, Major *Grandville*, Major *George Morgan*, Lieutenant Colonel *Britton*, Major *Armstrong*, and Major *Hetley*.

This Victory, tho' as great and compleat in itself, as any was ever gain'd, was still greater in its consequences. The Elector of *Bavaria* and *Mareschal de Marfin*, having gather'd the Remains of their Defeat, behind the Morass of *Hochstet*, rested there some hours, and that very night caus'd their Baggage to pass the *Danube*, and sent their Horse towards *Ulm* by *Gondelsingen*. The next morning before break of day, they drew off the Infantry, and passed the *Danube* at *Lawingen*, where they left 1000 Men, with orders to retreat, as soon the Enemy should approach, and to burn the Bridge, which was accordingly done. The Elector sent orders, at the same time, to his Troops in *Augsburg* and other Places, to quit them, and come to joyn him at *Ulm*, whither he marched with the greatest Precipitation. The Duke of *Marlborough* and Prince *Eugene* would have followed him with equal speed, but the great number of their Prisoners was a Luggage that retarded their Progress, four or five days.

See the  
Plan.

† Aug. 14.  
N. S.

The Night after the Battle, the Confederate Army drew up, and lay on their Arms, near the Morass of *Hochstet*, their Left extending itself towards the Village of *Sonderen*, and the Right towards *Morselingen*. The next day † they made a small Motion, and came with the Right to *Wittisling*, and the Left to *Steinheim*, where the Duke of *Marlborough* thought fit to stay till the 19th of *August*, that his wearied Troops might refresh themselves, and those that were slightly hurt recover their Wounds. In the mean time his Grace and Prince *Eugene* wisely considering, 'That the Face of Affairs in that Country was wholly chang'd, they imparted to Prince *Lewis* their Sentiments, that to amuse themselves at the Siege of *Ingolstadt*, would be but losing Time; and that they believ'd it would be more advantageous for the Good of the Common Cause, to joyn all their Forces, to streighten more and more the Enemy, and oblige the *French* to quit *Germany*, and repass the *Rhine*, for then not only *Ingolstadt*, but also the whole Country of *Bavaria* must fall of themselves. Nor was it long before the Duke's, and Prince *Eugene's*



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 City of *Ausburg*, which the *French*, in Garrison there, 1704.  
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 'the Troops of Her *Britannick* Majesty, and the *Protection,*  
 'States General, who were only sent against the *Aug. 16.*  
 'Enemies of the Empire and their Allies; and there- *N. S.*  
 upon his Grace ordered a Detachment to march,  
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 the whole Confederate Army return'd their So-  
 lemn Thanks to Almighty God, the Giver of all  
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 Cannon and small Arms as a Rejoycing for their late  
 Glorious Success, which appeared the greater, in  
 that by *Mareschal de Tallard's* own Confession, his  
 Army was near 4000 Men more than that of the Duke.  
 On the 18th of *August*, that *Mareschal*, with most of *Repartition*  
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A. C. ing to joyn the Elector, who was then about *Dutlingen*. On the 22<sup>d</sup> the Governor of *Ulm*, who did

1704.

justly apprehend a Siege, sent out of the Town 430 Prisoners, which the Enemy had taken at *Hochster*, *Dillingen* and other Places, with a Compliment to the Duke of *Marlborough*, That he would be pleased to take a fitting opportunity, to return an equal number; but those Prisoners being *Germans*, his Grace sent them to Prince *Eugene*. The Elector of *Bavaria*'s Communication with his own Country being entirely cut off, a Trumpeter came the 23<sup>d</sup> at night to the Confederate Camp, with a Letter † from his Electoral Highness, desiring my Lord Duke would give Conveyance to one enclosed to the Electress, which his Grace sent forward by a Trumpeter of his own to *Munich*; the Electress with her Children being gone thither. The next day Prince *Lewis* of *Baden* came to *Sefelingen*, to confer with the Duke of *Marlborough* and Prince *Eugene*, having left his Army encamped at *Lawingen*. The 25<sup>th</sup> those three Gene-

† Dated  
from Dut-  
lingen.  
Aug. 21.  
N. S.

Conference  
between the  
Duke,  
Prince  
Lewis,  
and Prince  
Eugene.

erals had a long Conference, wherein they concerted the further Operations of the Campaign; and it was resolv'd, That seeing the Enemy were returning towards the *Rhine*, all the Confederate Forces should likewise march that Way, except 23 Battalions and some Squadrons, which should be left under the Command of General *Thungen*, to carry on the Siege of *Ulm*, and that Count *Wratislau* should continue in the Camp before that Place, to manage the Negotiations with the Electress, who made some Overtures to deliver not only *Ulm*, but the whole Electorate of *Bavaria*, upon certain conditions. This Resolution being taken, the Confederate Troops moved the next † day from the neighbourhood of *Ulm* towards the *Rhine* by different Roads, for the ease of the Country of *Wirtemberg*. The *Dutch* and *Hessians* march'd together one way; the *Hannoverians* and *Lunenburghers* another; and the *English* and *Danes*, under the Command of General *Churchil*, advanc'd from *Sefelingen* to *Launsheim*. The 27<sup>th</sup>, the latter continued their March to *Groß-Seissen*, and the 28<sup>th</sup> to *Eberspach*, where they rested the 29<sup>th</sup>. The 30<sup>th</sup> they came to *Groß-Heppach*, and the 31<sup>st</sup> to *Mundelsheim*, where the Duke of *Marlborough* joyn'd them the same Evening from the Camp before *Ulm*. The

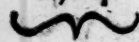
† Aug. 26.

first



first day of September the English and Danish Troops halted at *Mundelsheim*; and the Duke of *Marlborough* having received an invitation from the Duke Regent of *Wirtemberg*, by his Grand Marshal, to his Residence at *Stuttgart*, his Grace went thither that Morning, accompanied by several of the General Officers, and after a very magnificent Entertainment return'd in the Evening to the Army, which, the next day passed the *Neckar* at *Lauffen*, and came to *Groß Gardach*. The 3d of September they left *Groß Gardach* and advanced to *Eppingen*; and the 4th the Duke of *Marlborough*, with the English and Danish Horse, march'd to *Steffelt*, whilst the Foot moved the same day to *Odenheim*. The Enemy having repass'd the *Black Forrest*, and being since retired over the *Rhine*, Prince *Eugene* did not go to *Rotweil*, as he intended, but went directly to *Rastat*, to draw the Troops together, and march with them towards *Philipsburgh*, where he arriv'd the 2d of September. Three † days after, early in the morning, the Duke of *Marlborough* † Sept. 5: went from *Steffelt* to *Philipsburg*, where he was received with all imaginable Respect, under a general discharge of the Cannon of that Place; and from thence he made a Visit to Prince *Eugene*, at his Quarters at *Wagbeus*. After Dinner the Prince and the Duke went together, accompanied by the Count de *Nassau Weilbourg*, and other General Officers of the *Palatine* Troops, and pass'd the *Rhine*, and view'd the Camp of *Spirebach*. In the Evening the Duke return'd to *Steffelt*, where the English and Danish Foot being arriv'd that day, his Grace advanced the 6th with the Army to *Kirloch*; and having Advice there, that several of the Enemies Squadrons appeared on the Rising Ground, over against *Philipsburg*, he order'd the English and Danish Horse to pass over the *Rhine* with all Expedition, to join the *Palatine* Troops which Prince *Eugene* had sent over that morning. They immediately advanced toward the Enemy, who thereupon retired over the River *Queich* to *Gernersheim*, and our Army encamped on this side. The 7th the English and Danish Foot, with the Dutch Troops, and those of *Lunenburg* and *Hesse*, likewise pass'd over, and, together with those that were before on this side, encamped on the *Spierbach*. The 8th in the morning they were joyn'd by the Imperial Horse

A. C.  
1704.



Horſe, and Prince *Lewis* arrived at the ſame time from *Aſchaffembourg*. We had Advice, That the *Mareſchals de Villeroy* and *Marſin*, with *Monſieur de Coigny* and the Forces under his Command, were advanced to the River *Queich*, and had poſſeſſed themſelves of all the Paſſes, to prevent our going over that River, in order to inveſt *Landau*. The 9th early in the morning, the Army marched from *Spierbach*, with intent to encamp as near the River *Queich* as the Ground would permit, but the Generals having Advice, that the Enemy had quitted their Camp on the other ſide that River, notwithstanding they had been for ſome days Fortifying and Pallifading all the Fords and Paſſes, orders were immediately given for the Army to advance and paſs over it, which we did that afternoon; the Foot marching over on ſeveral Bridges which the Enemy had broke down, but were ſoon repaired, and the Horſe fording it over in ſeveral places; and we came and encamped with our Right at *Offenbach* near *Landau*, and our Left at *Relſen*, being the Ground from whence the Enemy had retired that morning. The ſame day a Party of Imperial Horſe having met ſome Squadrons of the Enemy, Commanded by the Duke *de Montfort*, a Major General, who had been conducting 4 Battalions, and a Sum of Money into *Landau*, fell upon them with great vigour, and put them to the Rout, killing upwards of 100 of them upon the ſpot, taking ſeveral Priſoners, and giving deſperate Wounds to their Commander, of which he died ſome few Hours after. The 10th in the morning we advanced again towards the Enemy, who lay that night on their Arms, and as ſoon as they had notice that we intended to march, retired in great Confuſion towards the River *Lauter*, and we came and encamped with our Right at *Barelroth*, and our Left at *Langencandel*, where we halted the 11th. In the mean time the Enemy paſſed the *Lauter*, and marched to *Haguenau*; ſo that they having quitted all the Poſts from whence they might have obſtructed our attacking of *Landau*, Prince *Lewis* marched thither the 12th. with the Troops that were to beſiege that Place, in order to inveſt it; and the Duke of *Marlborough*, with Prince *Eugene*, came to the Camp of *Weiffenburg*, (or *Croon Weiffenburg*) to cover the Siege. The Duke put a Garriſon into

*Landau*  
inveſted  
Sep. 12.  
N. S.  
The Duke  
and Prince  
*Eugene*  
cover the  
Siege.



into *Lauterbourg*, and gave directions that one of our Bridges should be brought up from *Philipsburg*, and laid over the *Rhine* near that Town, in order to preserve a Communication with the other side of the River, for the better Subsistence of the Army. Brigadier General *Ferguson*, march'd the same day with 5 Battalions of *English* Foot, to wit, one of the Royal Regiment, General *Churchill's*, the Lord *North* and *Grey's*, Brigadier *Row's*, and Brigadier *Meredith's* Regiments for *Mayence*, where they were to embark with the *French* Prisoners, and to conduct them to *Holland*. The same \* night also, the Duke of *Marlborough* received an Express from General *Thungen*, with Advice, ' That having formed the Siege of *Ulm*, ' and received his great Artillery the 8th of September, ' the Garrison beat a Parley the 10th, and the 11th ' surrendered that Place upon honourable Terms, ' which he was inclined to grant, that no Time ' might be lost for the farther Execution of the Projects of this Campaign. The Imperialists found in *Ulm* 222 Brass Pieces of Cannon, 12 Iron Guns, 25 Brass Mortars, 1200 Barrels of Powder, with other Stores and Provisions in great abundance. A seasonable Supply for carrying on the Siege of *Landau*!

\* Sept. 12.  
Ulm sur-  
rendred,  
Sept. 11.

Whilst the necessary Preparations are making for that great Undertaking, let us see what Returns of Gratitude were made by the Emperor, both to the Queen of *Great Britain*, and to the Duke of *Marlborough*, for the great and signal Services perform'd by his Grace, in Clearing the Empire from its intestine and foreign Enemies, and removing the War to the Frontiers of *France*. Not many days after the Battle of *Hochstet*, the Emperor wrote a Letter to his Grace, wherein, after having given him the honourable and kind Appellations of *most Illustrious Cousin*, and *most Dear Prince*, his Imperial Majesty told him, ' That he had freely, and of his own accord, admitted him among the Princes of the Holy Empire, ' not so much in consideration of his Noble Family, as upon account of his Personal Merit, and his great Deserts towards the August House of *Austria*, ' and the Holy *Roman* Empire. I have been willing, ' adds the Emperor, that the supream Honour in *Germany*, which I have with so much Justice confer'd on you, should remain as a Monument, that it ' may

The Duke  
of *Marl-*  
*borough*  
made a  
Prince of  
the Empire,  
The Empe-  
ror's Letter  
to his Grace  
Dated,  
Aug. 28.  
N. S.

A. C.

1704.

† Aug. 20.  
The States  
General's  
Letter to  
the Duke.

' may the better appear to all the World, as I freely  
' acknowledge it, how much my self, and all the  
' Empire, are Indebted to the most Serene Queen of  
' *Great Britain*, for having sent her powerful Succours  
' as far as *Ausburg* and *Bavaria*, when my own Affairs,  
' and those of the Empire, were so much shaken  
' and disorder'd by the perfidious Defection of the  
' *Bavarians* to the *French*, and to your self, under  
' whose Conduct, things have been so prudently, so vi-  
' gorously and successfully transacted, that not only  
' common Fame, but the Generals of my Forces, the  
' Companions and Sharers of your Labours and  
' Victories, attribute the latter chiefly to your Coun-  
' sels, and the Valour and Bravery of the *English*,  
' and other Forces, who fought under your immedi-  
' ate Command. These Actions are so great, parti-  
' cularly that of *Hochstet*, (Ages past having never  
' seen the like Victory obtain'd over the *French*) that  
' we may rejoice to see not only the most pernicious  
' Efforts of the Enemy repuls'd, and the Affairs of  
' *Germany*, which were in a tottering Condition, or  
' rather those of *Europe*, secur'd and re establish'd, but  
' likewise, that it may be reasonably hop'd, that the  
' full and perfect Liberty of the Christian World  
' shall be rescu'd from the Yoke with which it was  
' threatn'd by the Power of *France*. Some † days  
before the States General wrote a Letter to the Duke  
of *Marlborough*, ' wherein they return'd his Grace  
' their most hearty Thanks for the speedy no-  
' tice he had sent them by Colonel *Panton*, of so  
' agreeable News of the Victory of *Bleinheim*. After  
the first blow, added they, You had given the Enemy at  
*Schellenberg*, we had reason to expect somewhat much  
greater would follow, but never durst have carried our  
hopes so far as to think of so Glorious and compleat a Victo-  
ry as you have, with the Army of the Allies, gain'd over  
the Enemy. The Action of that Day has plac'd the greatness  
of your Merit in its true Lustre: A Day whose Glory might  
have been envied by the greatest Captains of Ages past,  
and whose Memory will endure through all Ages to come.  
We heartily Congratulate your Grace upon this Occasion,  
and rejoice in the Glory you have acquired, as well as for  
the Advantage the Common Cause has obtain'd. This  
Action will let France see that Her Troops are not Invin-  
' cible



cible, and has given it such a Blow as that King never felt in the whole Course of his Reign.

A. C.

1704:

At the same time their High Mightinesses wrote the following Letter to the Queen of England.

MADAM,

AFTER rendring Thanks to God for the great and compleat Victory which the Army of the Allies have obtain'd by his Divine Goodness near *Hochstet*; we judge it becomes us to testify to your Majesty our Joy for so glorious and advantageous an Action. We most heartily congratulate your Majesty on this happy Success, seeing it was the Bravery of your Troops that principally contributed to it, and that the whole was done under the prudent and valiant Conduct of the Duke of *Marlborough* your Majesty's Captain General, who, in this Battle, reap'd Lawrels that will never fade. The Prosperity that attends your Majesty's Reign, and the Glory of the *English* Nation, are exalted to a high degree by this shining Victory; and the advantageous Consequences, we have ground to hope for, from it, by the Divine Blessing, will be deem'd the Effect of your Succours, and of your Zeal for the general Good. Mean time we flatter our selves, this Action will sink the Spirits of our Enemies, who are continually projecting vast Designs; and that it will clear the way for us to attain with Honour the End we propos'd by our Alliances; that the Liberty of *Europe* and our holy Religion being secured, your Majesty may long enjoy the Fruit of the Care and Pains you take to Establish and Maintain them. This is what we wish from the Bottom of our Hearts; Mean time we assure your Majesty of our Veneration for your Sacred Person, and beg the Continuance of your most valuable Affection and Good Will to Us and our Republick.

This Letter was \* delivered to her Majesty at \* Aug. 10. *Windsor* by Monsieur *Vryberge*, Envoy Extraordinary O. S. from the States General; upon which occasion that Minister, by Express order from his Masters, Congratulated her Majesty upon the late Victory obtain'd by the Army of the Allies, under the valiant and wise Conduct of the Duke of *Marlborough*.

This

A. C.

1704.

*The Queen's  
Proclama-  
tion for a  
General  
Thanksgi-  
ving dated*

Aug. 17.  
O. S.

This joyful News had, some days before, been brought over into *England*, first by Colonel *Park*, and soon after by the Lord *Tunbridge*, who both attended the Duke of *Marlborough* as his Aids de Camp on the Day of Battle: Whereupon her Majesty being deeply sensible of this general Blessing, and most devoutly acknowledging the Goodness of Almighty God, who had afforded her his Protection and Assistance in the just War in which she was engag'd, appointed the 7th of *September*, to be observed throughout this Kingdom as a Day of publick Thanksgiving. That Day being come, her Majesty went to the Cathedral Church of *St. Paul's* with great Solemnity. All the Lords and Privy Councilors that were in and about *London*, met about Eight in the Morning in the Council Chamber at *St. James's*, the Knights of the *Garter* wearing the Collars of that Order; and having been Marshalled by the Officers of Arms, proceeded about Ten a-Clock in their Coaches with 6 Horses each towards *St. Paul's*. Her Majesty came afterwards attended in the following manner: First, the Knight Marshal with his Men on Horseback; then the *Equeries* and Gentlemen Ushers to his Royal Highness in his Leading Coach: One *Equery*, Two Pages of Honour, and the Gentlemen Ushers in waiting in her Majesty's Leading Coach: In another of her Majesty's Coaches, the Women of the Bed-Chamber to her Majesty; In another the Maids of Honour: His Royal Highness's Body Coach, with the Lords of the Bed-Chamber: Four Ladies of her Majesty's Bed-Chamber, viz. the Dutchess of *Somerset*, the Marchioness of *Hartington*, the Lady *Henrietta Godolphin*, and the Countess of *Abingdon*, in the Travelling Body Coach: The Duke of *Somerset* Master of the Horse, with the Duke of *Ormond* the Captain of the Guards in waiting, in Her Majesty's Body Chariot; each drawn by six Horses: A Detachment of the Horse Grenadiers: Her Majesty's Footmen: After them the Yeomen of the Guard on Foot, some before, and some on each side of her Majesty's Coach: Then Her Majesty, with his Royal Highness, the Dutchess of *Marlborough*, Groom of the Stole, and the Lady *Fretcheville*, being the Lady of the Bed Chamber in waiting, in the Coach of State, drawn by Eight Horses:



Her Majesty's First Troop of Horse Guards closed the Procession. The Streets thro' which her Majesty passed were lined from *St. James's* as far as *Temple Bar* by the Militia of *Westminster*; from thence to *St. Paul's* they were railed and hung with blue Cloath, the City Trained-Bands lining both sides; and upon Scaffolds erected for that purpose were plac'd the several Companies in their Gowns, with their respective Elags, Streamers and Musick. A Batallion of each of her Majesty's Regiments of Foot-Guards made a Lane from the West Entrance into the Church to the Door of the Choir. The Balconies and the Windows of the Houses were hung with Carpets and rich Tapestry, and crowded with great Numbers of Spectators. At *Temple Bar* her Majesty was met by the Lord Mayor in a Gown of Crimson Velvet, and the Aldermen and Sheriffs in their Scarlet Gowns, being all on Horseback. The Lord Mayor alighted, made a short Speech to her Majesty, and surrendered to her the City Sword, which she was pleased to return to him, and he carried it before her Majesty to the Church, the Aldermen and Sheriffs riding before him. Her Majesty being come to *St. Paul's*, was met at the West Door, at her alighting out of the Coach, by the Great Officers of State, the Nobility and Privy Councillors, who from thence proceeded to the Choir in the following Order: First, Two Officers of Arms; then the Privy Councillors who were not Peers Two and Two; Five Officers of Arms; the Peers Temporal and Spiritual Two and Two; *Norroy* King of Arms; the great Officers of State, viz. the Lord Privy Seal, Lord President, Lord Treasurer, Lord Keeper; and Lord Archbishop of *Canterbury*; the Serjeants at Arms with their Maces, and *Garter* King of Arms: The Duke of *Richmond* with the Sword of State. Her Majesty was led by his Royal Highness, and was followed by the Dutches of *Marlborough*, and the Lady *Fretcheville*; the Earl of *Kent*, Lord Chamberlain of her Majesty's Household, and the Rt. Hon. the Vice Chamberlain, attending near her Majesty's Person. The Duke of *Ormond*, Captain of the Guards, and the Duke of *St. Albans*, at the Head of the Band of Gentlemen Pensioners, closed the Procession. Her Majesty, and his Royal Highness, being entred into the Choir, seated

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themselves in two Arm'd Chairs on a Throne Erect-  
ed at the West End thereof opposite to the Altar :  
Behind her Majesty there were Stools for two of the  
Ladies of the Bed-Chamber, and the Great Officers  
in waiting attended her Majesty and his Royal High-  
ness. The Peers and Privy Councillors were plac'd  
on the North side of the Choir; the Ladies of the  
Bed Chamber in the Stalls on the South side; the  
Maids of Honour and Her Majesty's Bed Chamber  
Women below them. The Peereſſes were placed at  
the West end of the middle Gallery; and the Fo-  
reign Ministers, with their Ladies, filled the places  
prepar'd for them in the Middle Gallery on the same  
side with the Peers. At the East end of that Galle-  
ry were seated the Lord Mayor, Aldermen and She-  
riffs Ladies; and at the East of the South side the  
Lord Mayor and Aldermen. The Upper Gallery  
of the North side was filled by the Members of the  
Honourable the House of Commons who were in  
Town, and the rest of the Galleries by the Ladies  
and other Persons of Quality that attended at this So-  
lemnity. The Dean and Prebendaries sat within  
the Rails of the Altar, except such as officiated in  
reading Prayers. The Reverend Dr. Sherlock, Dean  
of St. Paul's, Preach'd The Hymn, *Te Deum*, with  
other Anthems, were admirably well perform'd by  
her Majesty's Choir and Musick. Divine Service be-  
ing ended, her Majesty, and his Royal Highness, re-  
turned to St. James's in the same Order and State that  
they came. The Great Guns of the Tower, those  
upon the River, and the Train in St. James's Park,  
were thrice discharged, the first time when her Maje-  
sty took Coach at St. James's, the second at the Sing-  
ing of *Te Deum*, and the third when her Majesty  
came back to her Pallace. And as this Victory was,  
in all its Circumstances, the most Glorious and con-  
siderable that has been gain'd in many Ages, the Re-  
joycings in London and Westminster were suitable to  
the great Occasion; and her Majesty's Subjects gave  
all the Demonstrations imaginable of their Affecti-  
on to her Majesty's Person, and Zeal for her Go-  
vernment. This Festival was observed in all the o-  
ther Parts of her Majesty's Dominions, if not with  
the same Solemnity, yet with as great Affection and  
Loyalty; and both before that day, and many Months  
after,



after, her Majesty's Court was throng'd by Deputies from all the Corporations and publick Societies in the three Kingdoms, and in the remotest Plantations, who waited on her Majesty with Congratulatory Addresses for the Glorious Successes of her Majesty's Arms, under the wise Conduct of the Duke of *Marlborough*. Nor did the Foreign Ministers in *England* omit to compliment her Majesty on that occasion.

Of all those numerous Addresses, I shall content my self to set down here at large that of the Borough of *Lynn-Regis*, which was presented by *Robert Walpole*, Esq; one of their Representatives in Parliament; because, in my Opinion, it fully expresses the Sense of all true *English-men*, and is penn'd with great Mastery of Stile and Judgment. It is as follows,

*May it please Your most Excellent Majesty,*

TO admit us, (amongst the great Number of *Address* of your Loyal Subjects) with unfeign'd Hearts, *Lynn-Regis* to Congratulate the Glorious Success of your Arms, *gis* in the Victory obtain'd by your successful General *John Duke of Marlborough*, over the *French* and *Bavarians* near *Hochstet* in *Germany*: A Defeat so entire, that hardly Foreign or *English* History can parallel; so seasonable, that the Safety of a whole Empire was the Consequence of it; and upon the distant *Danube*, where the *English* Arms never Triumph'd before. And whilst Awe and Reverence makes us approach leisurely to your Majesty's Throne, every day still produces new Trophies; the Sea, as well as the Land, *Africa*, as well as *Europe*, must loudly proclaim your Majesty is every where Invincible.

These are Blessings justly due to Your Majesty's Piety and Courage, who so steadily have pursued the Example of Your Glorious Predecessor, that from his early Years, and almost a private Station, was always the Chief Opposer of the Torrent of *France*, *Popery* and *Slavery*, and whose Memory will ever be valuable in all true *English* Hearts, were it for nothing else, yet for leaving us the Establishment of a Protestant Succession in the Person of your Sacred Majesty: Notwithstanding which, (by the Treachery of your faithless Enemies) your Majesty, upon your Accession, found the Dreadful

A. C. 1704. Powers of *France* and *Spain* United, who singly have, in their Turns, push'd fair for the *Western* Monarchy. This would have shaken any Courage less firm than your own, who, whilst all *Europe* lay gasping, waiting the Result of your Councils, stretch'd out your Powerful Arm to support the then tottering Frame of its Liberty, and was alone able to preserve it, and in that our selves ( and whilst your Majesty so carefully nurses our Establish'd Church) your Charity extends to the whole Protestant Interest of *Europe*, which must certainly appear very natural to your Majesty, whilst your Capital Enemy prides himself in being the Head of all his Roman Catholicks, and they in him.

May all your Majesty's Subjects Unite in their Acknowledgments to your Majesty, that the last Subterfuge of your Conquer'd Enemies ( our Divisions ) may not prevail amongst us ; but that whilst our Armies are so bravely Commanded, our Treasury so Frugally Expended, our Laws so equally Administred, and above all, the whole by your Majesty's Providential Care so wisely Superintended, our Religion and Liberty may, under your most Auspicious Government, be immovably secured to us, and to our Posterity.

Actions at  
Sea not to  
be brought  
into Competition with  
those on  
Land.

Abundance of People in *England*, either thro' a mistaken Zeal for the Honour and Prosperity of her Majesty's Auspicious Government, or thro' Partiality and Envy, have, both in their Writings, Speeches and Addresses, rais'd the Actions of the Fleet under Sir *George Rook*, almost to the same Pitch of Glory with those perform'd by the Army under the Duke of *Marlborough*. But History, which follows only the Dictates of Truth, and weighs with a steady and even Hand the Performances of Great Men, is oblig'd to rectify the Mistakes of some, and to Censure the partial and envious Prepossessions of others. However, tho' the Actions of the Admiral can never be brought into Competition with those of the Captain General, yet it will appear by the following Account, that her Majesty's Arms gain'd considerable Reputation and Advantage at Sea this Year.

Sir



Sir George Rooke, having hoisted his Flag on board A. C. the *Hampton Court*, sailed from *Lisbon* the 16th of 1704. March, (N. S.) with twelve *English* and six *Dutch* Men of War, to cruise off the *Cape St. Vincent*, for securing the passage of the *Scanderoon Fleet*, and some Merchant Men from *Leghorne*. Two days after he detached Rear Admiral *Dilks*, with several Men of War, in quest of two *Spanish* Men of War, which a *Dutch Privateer* had seen the day before; and on the 23d Admiral *Dilks* came up with them, and took them after some resistance. They proved to be two *Spanish Galleon Men of War* of 60 Guns each, one call'd the *Porta Cali*, the other the *Santa Theresa*, and a Merchant Ship of 24 Guns, named the *St. Nicholas*, being all three bound from *St. Sebastians*, and laden with Guns, Bombs, Iron Bars, &c. for *Cadiz*, where they were to be fitted out for the *West Indies*: and *Don Diego Bicuna*, their Commodore, had a Commission to Command the *Flota* design'd thither. Two *English* Men of War, that were out a Cruizing about the same time, forced a *French Ship* of 30 Guns ashore, on a Sand Bank near *Aymonte*; another *English Man* took a small *Spanish Ship* near *Cape Spartel*, laden with Horse-shoes, Nails and Rosin; and a *Dutch Man of War* forced a *Spanish Ship*, extraordinary Rich, ashore on the Coast of *Algarva*. Sir George Rooke continued Cruising, till he heard, that the *Scanderoon Fleet* was safe out of the *Streights*, whereupon he returned to the River of *Lisbon* on the 20th of April, (N. S.)

The 4th of May, (N. S.) being *St. George's day*, of *Lisbon*, and the Anniversary of Her Majesty's of *Great Britain's* Succession to the Crown, it was Celebrated on Board the Fleet, with all possible Demonstration of Joy and Affection for Her Majesty's Person and Government. The next day Sir George Rooke was reinforced with 4 *English* Men of War, which came into the River of *Lisbon*; and three days after he sailed out from thence, with the *English* and *Dutch* Fleet under his Command, consisting of 40 Ships of the Line of Battle, and having on Board the Prince of *Hesse Darmstad*, two Companies of Foot made up of *Spanish* Deserters, as also as many *Spanish* Officers, who had left the Duke of *Anjou's* Service, as were sufficient to Command two Regiments. The Prince

A. C. 1704. of Hesse, who had many Creatures in *Catalonia*, and positive Assurances from them, that they were ready to declare for King *Charles III.* if he should bring a sufficient Force to protect them, was very pressing with the Kings of *Spain* and *Portugal*, that 2000 Land Men might be put on Board the Fleet; and Sir *George Rook* waited several days for them, but at last he was forced to sail without those Troops, lest those delays should hinder him from Relieving *Nice* and *Villa Franca*, which were then reported to be besieged by the *French*. The departure of the Fleet caused a great Consternation at *Lisbon*: For the *French* Emisseries gave out, That the Grand Admiral of *France* would soon come into their River, and burn their City. That Alarm encreased to the highest degree the 22d. when the Count *Thoulouse* appeared off the Rock of *Lisbon*; and one of his Frigots coming near the Shore with *English* Colours, seiz'd and carried away some Pilots that were gone on Board, according to the Signal they had made. The *French* Faction, which consists chiefly of Monks and Priests, gave out, that the *Portuguese* were to expect nothing else than a Bombardment; but Count *Thoulouse* continued his Course to *Cadix*, where he arriv'd the 25th of *May*, and the next day proceeded towards the *Mediterranean*, to joyn the *Thoulon* Squadron. As soon as the *French* Fleet had left the Coast of *Portugal*, a Frigot was dispatched to Sir *George Rook*, who was to call at *Altea*, to give him notice, that Count *Thoulouse* had with him 35 Sail, whereof twenty only appeared to be Ships of Force; and likewise to acquaint him, that *Nice* and *Villa Franca* were in no danger of a Siege.

Count  
Thou-  
louse with  
the French  
Fleet ap-  
pear off  
the Rock of  
*Lisbon*.

† May 29. By this time the Confederate Fleet was † come before *Barcelona*, and upon the Encouragement given by a Priest and others, who surrendred themselves to the Prince of *Hesse Darmstad*, a Flag of Truce was sent, with a Letter from his Highness, to the Governor *Don Francisco de Velasco*, to summon him to surrender the Town to his Lawful Sovereign King *Charles III.* The Governor would neither comply with the Summons, nor so much as give admittance to those that brought it; but sent a Message, That he would entertain no Friendship or Correspondence, with any that were Enemies to *Philip V.* the true King of *Spain*. There-

N. S.  
The Conf-  
ederate Fleet  
comes be-  
fore Bar-  
celona.



Thereupon it was resolved, that all the *English* and *Dutch* Marines should be landed within a Mile of the Town, the *Spaniards* that had surrendred themselves, having assured the Prince and Admiral, That in the City there were five to one for *Charles III.* and that upon the appearance of Landing Men. that great Majority would deliver up the City. The Marines being accordingly Landed, a Trumpeter was sent to demand the Surrender, whom the Governor detained, but sent another with a Letter, importing, That such a Demand required consideration, and therefore desired that no Act of Hostility might be committed, till they had sent his Trumpeter back again. This † May 31 Answer being unsatisfactory, the *Dutch* Bomb Ketches † threw about 60 Bombs into the City, which tho' they did some Execution, yet were not able to make the Governor change his Resolution; and the Prince of *Hesse* apprehending, that a superior Force might fall upon the Land Men, he caused them to be reim-bark'd, and then desired that the Bomb Ketches might give over Firing, his design being not to hurt the Inhabitants, whom he was persuaded to be well affected to the House of *Austria*. It was believed by many in the Fleet, that the City would have been delivered up, had not one of the Soldiers Deserted, and given the Governor an Account, that the number of the Men Landed, did not consist of more than 17 or 1800; and that Sir *George Rooke's* Orders were such, that he could not stay longer than a day or two; whereupon the Governor secured several of the chief Persons in the City, whom he found to be in the Interest of *Charles III.* On the first of June, the Confederate Fleet weigh'd Anchor, and made the best of their way thro' the Gulph of *Lions* towards *Nice*, which put the Coasts of *Languedoc* and *Provence* into great Consternation; and made the brave *Camisars* big with hopes of some Relief. Two \* days after, the Fleet made the Cape of *Thoulon*, and the next Morning came fair of the Islands of *Hieres*, where Sir *George Rook* sent some Boats to take Prisoners, that might give him Intelligence of the condition of the Enemy. Accordingly ten Men were brought on board the *English* Admiral the next Morning, who gave him a confused Account, 'That a great Fleet of Men of War was expected from *West France* to

And sails from thence.

N. S.

\* June 3. N. S.

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*Thoulon*; and that in that Harbour there were five three-deck'd Ships upon the *Careen*, and 4 other from 60 to 70 Guns ready to Sail, besides eight more three deck'd Ships, which might soon be fitted out, had they but Men to put into them, which they believ'd wou'd be brought in those Ships that they daily expected. While Sir George Rook was gathering this Account from the several Prisoners, the Commander of the *Charles Gally*, Captain Taylor, the same who had been dispatch'd from *Lisbon*, came on Board the Admiral, and gave him Information, That in his Voyage he came in with the whole French Fleet, which chased him to the Southward of Cape *Spartel*; but they soon losing sight of him, he made the best of his way for the *Streights Mouth*; and the next Morning, as far as he could see from his Top-Mast-Head, he could discern but two or three Sail of that Fleet, which he made the Day before to be at least Forty, and many of them very great Ships.

Hereupon a Council of Flag Officers was immediately call'd, wherein it was resolv'd, that the Confederate Fleet should forthwith alter their Course, and look after the *French*: And accordingly they made Sail to the Westward, having but little Wind. On the 7th of June, (N. S.) the Scouts made signal, that they saw a Fleet of Ships, and for the confirmation of it, the *Lark Frigot* came into the Confederate Fleet, and the Commander, Captain Potherby, acquainted the Admiral, that the *Tyger* had made at least fifteen Sail; and that he did not question, but it was the *French Fleet*. Upon this the Admiral ordered the Confederate Fleet to tack, and all the night being taken up in getting the Ships ready for an Engagement, by six in the Morning they bore up with a very gentle Gale towards the *French Fleet*, which by this time they could discern to be about 40 Sail. The *French* still kept their Wind, and the Gale freshening a little, the Confederates seem'd something to gain upon them; but about one or two it falling a Calm, Sir George Rook could not get any nearer the *French Admiral*. Thus both Fleets lay at five Leagues distance, according to Computation, there being very little more Wind all the Afternoon, than would have brought the *French Fleet* down upon the

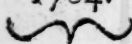
Sir George  
Rook  
misses to  
fight the  
French  
Fleet.



the Confederates, if the former had any mind to engage, whereas it was impossible for the *English* and *Dutch* to come up to them. Night coming on, the *French* made use of it in Towing their Ships as far to Windward as they could, so that the next Morning they were farther from the Confederates than they were over night. Sir George Rooke chased them all † June 9. that Day, having but very little Wind, and they edging from him as much as they could, insomuch, that before night he could scarce discern them, and then it being concluded, that by this time they were got near their Port, where they would soon be considerably reinforced, the Confederates thought it Prudence to avoid an Engagement, and alter their Course. It was a great Providence, that Sir George Rook received the Intelligence that was brought him by the *Charles* Gally, for had he gone to *Nice*, where he was bound, the *French* would have soon been after him with such a Force, as he should not have been able to withstand. Sir George having taken in fresh Water at *Altea*, made the best of his way towards the *Streights*, and being soon after \* join'd by Sir. June 27. *Cloudeſly Shovel* (who came to *Lisbon* the 15th of June, N. S. and sail'd from thence the 23d, N. S.) with a Squa Sir Clou- dron of *English* Men of War, the whole Fleet went desſly Sho- into *Lagos Bay*, where they took in Provisions, and vel joins then went into the *Mediterranean*. On the 17th of Sir George July, (N. S.) the Fleet being about seven Leagues to Rook. the Eastward of *Tetuan*, a Council of War was held on Board the *Royal Catherine*, wherein (pursuant to the Directions of the Kings of *Spain* and *Portugal*, to attack the Enemy in *Andalusia*, in order to divert and divide their Forces) it was resolved to make a sudden Resolution to attack Attempt upon *Gibraltar*, the Conquest of which im- Gibraltar. portant Place, would gain great Reputation to her Majesty's Naval strength, in those remote Seas; and prove a most sensible Mortification to the *Spaniards*, who have always accounted it one of the chief Keys of that Kingdom. Accordingly the Fleet sail'd thither, and being \* got into that Bay, the *English* and \* July 21. *Dutch* Marines, to the number of 1800, headed by the Prince of *Hesse Darmstad*, were put on Shore on the neck of Land, to the Northward of the Town, to cut off any Communication with the Country. His Highness having posted his Men there, sent a Sum-

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Summons to the Governor, to surrender the place for the Service of his Catholick Majesty, *Charles III.* which he rejecting with great Obstinacy, the Admiral on the 22d in the Morning, gave Orders, that the Ships which had been appointed to cannonade the Town, under the Command of Rear Admiral *Bing*, and Rear-Admiral *Vanderdussen*; as also, which were to batter the South-Mole-head, commanded by Captain *Hicks*, should range themselves accordingly; but the Wind blowing contrary, they could not take their Posts till the day was spent. In the meantime, to amuse the Enemy, Captain *Whitaker* was sent in with some Boats, who burnt *ſ'a French* Privateer of 12 Guns at the old Mole. The next day, early in the morning, the Ships being all plac'd, the Admiral gave the Signal for beginning the Cannonade, which was perform'd with very great Fury, about 15000 Shot being made in five or six Hours time against the Town, insomuch, that the Enemy were soon beat from their Guns, especially at the South-Mole-head. Thereupon the Admiral considering, that by gaining that Fortification, they should, of course, reduce the Town, order'd Captain *Whitaker*, with all the Boats Arm'd, to endeavour to possess himself of it, which was performed with great Vigour and Success by Captain *Hicks* and Captain *Junper*, with their Pinnaces and other Boats, and with the loss only of two Lieutenants and 40 Men killed, and about 60 Wounded, by the springing of a Mine, that blew up the Fortifications upon the Mole. However, the Confederates kept Possession of the Platform, which they had made themselves Masters of; and then Captain *Whitaker* landing with the rest of the Seamen, that were commanded upon this Service, they boldly advanced, and took a Redoubt, or detach'd small Bastion, half way between the Mole and the Town; and possessed themselves of many of the Enemies Cannon. The Admiral then sent a Letter to the Governor; and at the same time a Message to the Prince of *Hesse Darmstad*, to desire him, peremptorily to require the Governor to surrender the Town, which his Highness did accordingly. The Governor, whose Garrison did not consist of above 150 Men, comply'd with the Summons, and having desired to capitulate, had very honoura-

Gibraltar  
surrendered  
July 24.  
N. S.

See the  
Appendix.



nourable Articles granted him for himself and the *Spanish* Soldiers and Inhabitants ; but it was agreed, that all the Subjects of the *French* King should be excluded from the Capitulation, and that their Effects should remain at the Admiral's Disposal, and their Persons Prisoners of War.

The taking of *Gibraltar*, a Place which ever was held to be of the greatest Importance, both by Reason of its Natural and Artificial Strength, and of its advantageous Situation (in the very Narrow of the *Streights* Mouth) for the Protection or Annoyance of Trade, was such a visible Mark of Impotence in the King of *Spain* in Possession, and his Ministry, as was like to work powerfully on the Affections. Hopes and Courage of the Partisans of the House of *Austria* in that Kingdom. The News of that Loss being brought to *Madrid*, quite alter'd the Measures of the Duke of *Anjou*, and the Marquis de *Villadarias* was thereupon detach'd with 8000 Men, either to retake that Place, or stop the further progress of the Allies. On the other hand, the *French* King, whose Interest it was to guard the *Spanish* Coasts and Maritime Towns, and to awe and confirm the People of *Spain* in their Obedience to his Grand Son, by the Reputation and Terror of his Naval Power, sent immediately positive orders to his Grand Admiral, to observe, seek out, and fight the Confederate Fleet, and to assist the Marquis de *Villadarias* in the Retaking of *Gibraltar*. Nor did the Count de *Thoulouse* want powerful Encouragements to engage the *English* and *Dutch* ; for, besides his great Superiority in Strength, having ten three deck Ships, at least, more than the Confederates, and all his Ships clean and full mann'd ; he had the Advantage of Fighting on a Friendly Coast, and the Benefit of a great number of Gallies, of singular use in a Day of Battle in those Seas.

On the other hand, the Confederates, besides the Remoteness of Ports and Succour, in case of adverse Fortune, and the great Disadvantage of such a superior Strength against them ; they were also conscious of many Defects, which the Enemy could not so well know ; such as the Fleets being thinly mann'd ; a great Deficiency of Stores and Provisions, both Naval and Military ; the one the Effect of a long Voyage

A. C. age, the other occasion'd by the great Expence of  
 1704. Ammunition at the taking of *Gibraltar*; and the foul-  
 ness of their Ships, of infinite Prejudice in a day of  
 Battle, since it would hinder them both from pursu-  
 ing an Advantage, and from avoiding a Misfortune.  
 To all this we may add, that a Rear Admiral, with  
 six of the *Dutch* Ships, were by an Order of the States  
 General, called away some days before, to look af-  
 ter a Fleet of Merchants of that Nation; and that  
 4 *English* Men of War were on the same account, ab-  
 sent from the Fleet; but notwithstanding all these  
 Arguments of Discouragement, the Confederates re-  
 solv'd rather to seek, than shun an Engagement.

*The Confe-  
 derate and  
 French  
 Fleets in  
 fight of one  
 another.*

On the 20th of *August*, N. S. the Confederate  
 Fleet return'd from Watering their Ships on the Coast  
 of *Barbary*, and standing out of *Tetuan* Bay, within  
 sight of the High Lands of *Gibraltar*, the *Centurion*,  
 one of the Scouts, made a Signal of seeing the Ene-  
 mies Fleet, as their Scouts also did of ours; where-  
 upon a Council of Flag Officers was call'd, where-  
 in it was determin'd to lay to the Eastward of *Gibral-*  
*tar*, to receive them, they being to the Windward,  
 the Wind at East; but it seems, the *French* did not  
 think then fit to engage, because they had but some  
 few of their Gallies, and the Rendezvous of the rest  
 of those Vessels, being appointed to be at *Velez Milaga*,  
 they ply'd up to that Place, where they found and  
 joyn'd them.

† *An Hospi-  
 tal Ship,  
 or a Ten-  
 aier.*

The Enemy then not bearing down, gave the  
 Confederate Fleet the Leisure to send for half of the  
 1800 Marines, which had been left at *Gibraltar*, lea-  
 ving the other half, with all the Officers of that  
 whole Body, to keep Possession of the Place, under  
 the Command of the Prince of *Hesse Darmstad*. The  
 21st and 22d, were spent in plying to Windward, in  
 pursuit of the Enemy, of whom they could have no  
 other Account, than what they could gather by the  
 Report of their Signal Guns; and on the 22d, the  
*English* having driven a *French* † Ship ashore under  
 Marabelle, her Crew quitted her, and set her on fire.  
 The 23d, not hearing any of their Guns all night,  
 nor seeing any of their Scouts in the Morning, Sir  
 George Rooke had a jealousy, that the *French* might  
 make a Double, and by the help of their Gallies, slip  
 between him and the Shore to the Westward. Up-  
 on



on this suspicion, a Council of War was call'd, wherein it was resolv'd, that in case the Confederates did not see the Enemy before night, they should make the best of their way to *Gibraltar*; but standing in to the Shore about noon, they discover'd the Enemies Fleet and Gallies to the Westward near *Cape Malaga*, going away large, and bore after them in a Line of Battle all that night. The *French* in the mean time form'd themselves likewise, by the help of their Gallies into a Line of Battle, and brought to with their Heads to the Southward, the Wind being Easterly, lying ready to receive the Confederates, who on *Sunday* the 24th of *August*, (N. S.) in the Morning, bore down to attack them, about 10 or 11 Leagues South of *Malaga*.

The Sea  
Fight be-  
tween the  
Confederate  
and  
French  
Fleets,  
Aug 24<sup>th</sup>  
N. S.

The *French* Line, which consisted of fifty Ships, was very strong in the Center; but weaker in the Van and Rear; to supply which, most of their Gallies were divided into those Quarters. The *Marquis de Villette*, Lieutenant-General, commanded their Van with the *White* and *Blue* Squadrons, having on his second Line the *Duke of Tursis*, with the seven *French* Gallies of his Squadron, and five *Spanish*. The *Count de Thoulouse* was in the Center, with the *White* Squadron, having behind him the *Marquis of Roye*, with four Gallies; and the *Marquis de Langeron*, commanded the *Blue* Squadron in the Rear, having behind him 8 *French* Gallies, under the Command of the *Marquis de Ferville*. The Line of the Confederate Fleet consisted of 53 Ships, *Sir George Rooke*, the Admiral, and Rear Admirals *Bing* and *Dilks* being in the Center; *Sir Cloudefly Shovel*, and *Sir John Leake* leading the Van; and Vice-Admiral *Callemberg*, with Rear-Admiral *Vander Dussen*, with 12 *Dutch* Ships commanding in the Rear. The Admiral order'd the *Swallow* and *Panther*, with the *Lark* and *Newport*, and two Fireships, to lie to the Windward, that in case the Enemies Van should push through the Confederates Line, with their Gallies and Fireships, they might give them some Division. A little after ten of the Clock Admiral *Shovel* with the Van, bore down upon the Enemy, and was at some distance from the Center, which the *Marquis de Villette* observing, and thinking he might get a head of that Squadron, with his foremost Ships,

To wit,  
the *Dort*,  
*Gelder-*  
*land*, *U-*  
*nion*, *Cat-*  
*wyck*, *Ni-*  
*meghen*,  
*Bavaria*,  
*Lyon*, *Dar-*  
*mieta*,  
*Flushing*,  
*Albe-*  
*marle*,  
the *Arms*  
of *Utrecht*  
the *Arms*  
of *Fries-*  
*made* land.

A. C. made a Signal to the headmost Ships of the French Line, to croud all the Sail they could. Admiral Shovel

1704.

*Shovel* still bearing down upon the Enemy, insensibly found himself in their Line a-head of them; which the French judging to be a favourable Opportunity, resolv'd to make their Advantage of it, by keeping their Wind, and crowding all the Sail they were able, in order to cut off the Van of the Confederates from the rest of their Fleet; hoping, with reason, that if it grew Calm, which usually happens in a Sea Fight, their Gallies might tow them off, so as that they might make a Double and weather Sir *Cloudestly Shovel*, and fire upon him on both sides. But Admiral *Shovel* having discover'd the Enemies Intentions, immediately clapped upon a Wind, and Sir *George Rooke* foreseeing what would be the Consequence, if his Van was intercepted, bore down upon the Enemy with the rest of the Confederate Fleet, and put out the Signal for the Fight, which was immediately begun by Admiral *Shovel*; and was continued with equal Fury, Obstinacy and Resolution on both sides, till about two in the Afternoon, when Sir *Cloudestly Shovel* having disabled several Ships of the Enemies Van, oblig'd them to bear away out of the reach of his Cannon: Sir *George Rooke* had not the like Success in the Center; for the Enemies Body being very strong, and several of the Ships of the Admiral's, Rear-Admiral *Bynge's*, and Rear-Admiral *Dilke's* Divisions being forced to go out of the Line for want of Shot, the Battle fell very on the Admiral's own Ship, the *St. George*, and the *Shrewsbury*. This being observ'd by Sir *Cloudestly Shovel*, he like a good and valiant Officer, immediately back'd A-stern, and endeavour'd to reinforce the Admiral. This Act, both of Mettle, and good Seamanship, had two useful Effects; first it drew several of the Enemies Ships from our Center, which was so hard press'd by a great Superiority both of Strength and Number, and drove them at length out of the Line. For after they had felt the force of this Supply from some of the Ships of Sir *Cloudestly Shovel's* Division, which were A-stern of him, they found it not safe to advance along his Broadside; but being clean, and better Sailers, they set their Sprit-Sails, and with their Boats a-head towed from him, without giving him

Admiral  
Shovel's  
admirable  
Conduct,  
Bravery  
and Success.

See the Appendix,  
Numb.  
XXIII.



him the Opportunity of Exchanging a single Broad-side with them. These were the Vice-Admiral of the *White*, and the Rear-Admiral of the Enemies *White* and *Blue*, with part of their Divisions: And tho' Count de *Toulouse* was sustain'd by the best Ships, and Commanders in the Center, and assisted by the greatest Officers for Quality, Experience and Courage, who were plac'd as Councillors near him, yet he shared at length the like Fate with his Van, and about seven of the Clock was obliged to tow out of danger. The *Dutch* in the Rear engag'd the Enemy with the greatest Courage and Animosity, and being better provided with Ammunition, continued firing somewhat later than the rest, but Night coming on, put a Period to the Dispute on that side also. There happen'd an Action in the Center which deserves a particular mention: The *Serieux*, a Ship in the *French* Admiral's Division, Commanded by Monsieur de *Champmelin*, thrice boarded the *Monk*, an *English* Ship Commanded by Captain *Mills*, who, with great Activity and Courage, every time cleared the Deck of the Enemy, and made'em at last bear away. Capt. *Junper* did also eminently signalize his Valour in this Fight, with his single Ship Engaging 3 of the Enemies. In general, all the Officers and Seamen of the Confederate Fleet fought with unparallel'd Intrepidity and Resolution, and had not the Center been so weaken'd by the Loss of the Service of those Ships, which thro' want of Ammunition were forc'd to leave their Stations, 'tis highly probable the Confederates should have obtain'd an uncontested Victory. The *French*, to give'em their due, tho' forced in several parts of their Line to yield to the superior Mettle and Stoutness of the *English*, yet rather gain'd than lost Reputation by this Engagement, in which they shew'd uncommon Courage: And, among the rest, the Baily of *Lorrain*, who was one of Count *Toulouse*'s Seconds, distinguish'd his Fortitude in a particular manner, encouraging his Men to do their Duty even when he had but few \*Hours to Live. The Battle being ended with the Day, both Fleets kept their Line at some distance from each other. In the Night the Wind shifted to the Northward, and in the Morning to the Westward, which gave the French the Wind

\* See the  
Appendix  
Page 65.

of

- A. C. of the Confederates, and an Opportunity to have re-  
 1704. new'd the Fight with Advantage; but both Fleets lay  
 by all † Day, within three Leagues of one another,  
 † Aug. 26. repairing their Defects, and at Night the Enemy fled  
 N. S. and stood to the Northward. On the 26th of *Aug-*  
*ust* N. S. in the Morning the *French* were got four  
 or five Leagues to the Westward of the Confederates,  
 but a little before Noon the Latter had a Breeze of  
 Wind easterly, with which they bore down on the  
 Enemy till four a-Clock in the Afternoon, when the  
*French* stretching themselves into a Line of Battle,  
 the *English* and *Dutch* did the same, and brought to  
 and lay by with their Heads to the Northward all  
 Night. The Confederates bray'd the Enemy only to  
 conceal their own Weakness; for to speak the  
 Truth, neither of the Two Fleets had any Inclinati-  
 on, or, indeed, was in a condition to come to a se-  
 cond Engagement; Wherefore they were both glad to  
 lose sight of one another the \* next day, when the  
 Wind being still Easterly, hazy Weather, the *French*  
 kept on their Course towards the *Spanish* Coast, and  
 the Confederates made use of the same opportunity  
 to bear away to the Westward, and so got into Gi-  
 braltar. Tho' both Parties claim'd the Victory, yet  
 in the opinion of all impartial Judges, neither had a  
 clear Title to it. For, as there was not one Ship,  
 either burnt, sunk or taken on either side, so † was  
 the Loss of Men near equal on both. 'Tis true, the  
*English* and *Dutch* carried their Point, which was to  
 disable the *French* Fleet, from assisting the *Spaniards*  
 in the Re taking of *Gibraltar*; which, together with  
 the vast Disproportion of Strength, with which they  
 engag'd the Enemy, makes their Advantage little  
 less than a compleat Victory. Sir *George Rooke* having  
 staid 8 days at *Gibraltar* to refit, and supply'd that Place  
 with Men and Provisions, sail'd from thence the 4th  
 of *September*, (N. S.) and return'd home with the  
 great Ships, leaving behind him Sir *John Leake*, with  
 a Squadron of 18 Men of War, both for the defence  
 of the Coast of *Portugal*, and to be in a readiness to  
 Succour *Gibraltar*; if there should be occasion. A-  
 bout a Month after, Sir *George Rooke* \* arrived at  
*Spithead*, without the loss of a single Ship in the whole  
 course of his long Voyage; and on the 29th of *Sep-*  
 tember, (O. S.) he waited on the Queen and the Prince  
 at

The Victory  
 claim'd by  
 both Par-  
 ties.

† See the  
 Appendix,  
 Numb.  
 XXIV.  
 and XXV.

\* Sept. 25.  
 O. S.  
 Sir George  
 Rooke re-  
 turns home  
 with the  
 Fleet.



at *Windsor*, who receiv'd him very graciously, and express'd themselves very well satisfy'd with his Conduct: However 'tis remarkable that no publick Rejoycings were made in *London* upon the first News of the late Sea-Fight (which few People allow'd to be a Victory) save only that the Guns of the Tower were discharg'd.

As the Insurrection in *Hungary* distress'd the Emperor's Affairs, near as much as the Defection of the Elector of *Bavaria*, so the Queen of Great Britain, and the States General, propos'd to themselves to relieve his Imperial Majesty by their wholesom Counsels in the one, whilst their Armies under the Duke of *Marlborough*, should check and revenge the other. The Emperor having accepted the Mediation of *England* and *Holland*, Monsieur *Bruyninx*, Envoy Extraordinary of the States General, set out from *Vienna* the 4th of *March*, N. S. for *Presburg*, to set the Negotiations on Foot, and arrived there two days after. Count *Berezini*, one of the Chiefs of the Malecontents, having notice thereof, by an Express, sent a strong Detachment to meet his Excellency, and received him at his Head Quarters at *Tirna*, with all imaginable Demonstrations of Respect. The Ceremony being over, the Envoy made his Proposals to Count *Berezini*, and made him a lively Exhortation to lay hold of this Opportunity to make a lasting Peace; concluding, 'That sure Terms were to be 'preferr'd to the Uncertainty of War, and that the 'Emperor made such Preparations, that if this Opportunity was neglected, his Imperial Majesty would 'not, perhaps, admit of any Foreign Princes to interpose themselves as Mediators, and less still as Guarantees, between him and his Subjects. Count *Berezini* contented himself to Answer the Envoy, 'That he and his Countrymen were obliged to Her Majesty of Great Britain and the States; that he, 'in particular, was sincerely dispos'd to contribute 'his utmost to the Pacification of those Troubles, but 'could not give him any other Answer, till he 'had concerted the same with Prince *Ragotzi* and others, but would not lose any time to let him know 'their Sentiments. The Envoy returned under a very good Guard to *Presburgh*, and from thence to *Vienna*, where he found Mr *Stapney* arriv'd, to assist

A. C. 1704. in that Negotiation on the part of the Q. of England. Monsieur *Bruyninx* delivered to the Emperor an Account of his Conference with Count *Berezini* in writing, which occasioned several Councils, and the Imperial Court judging thereby, that the Malecontents promis'd themselves a great Assistance from the *French* and *Bavarians*, and were not so well dispos'd to an amicable Accommodation as it was expected, Orders were given to redouble the Preparations against them, and the Generals *Heister* and *Palfi*, were ordered to march directly to drive them from the Posts they had possessed on the Frontiers. The Malecontents having notice thereof, resolv'd likewise to shew more Vigour than ever, to let the Imperial Court see, that they were not discouraged, and ought not to be despised. In order thereunto they made, on the 22d of March, (N. S.) an Excursion almost to the Gates of *Vienna*, and plundered several Villages, which put the Inhabitants of the Suburbs of that City into such a Consternation, that they quitted their Houses to retire into the Town; but the 24th the Malecontents retreated with the Booty they had got. This Attempt obliged the King of the *Romans* to order a Line to be cast up for the better Security of the Suburbs, and neighbouring Villages of *Vienna*, which was to be guarded by the Militia. The Malecontents were not so prosperous in other Places. The Garrison of *Canischa* made a Sally upon them the 9th of April, (N. S.) and killed 200. The next Day they were repulsed by the Militia of *Croatia*, with the loss of 300 Men, and forc'd to retire from the Isle of *Ciacathurna* by General *Palfi*, leaving 1000 Men killed on the spot. On the other side, General *Heister* defeated Count *Caroli* near *Petsch*, killed 600 Men on the spot, and took 4 Pieces of Cannon. They rally'd at *S. Nicholas's* on the *Raab*, but were beaten a second time, and their Foot was either cut in pieces or dispers'd, so that Count *Caroli* had much ado to save himself with his Cavalry. They lost in that Action 2000 Men, 19 pieces of Cannon, and 19 Colours. Hereupon the Emperor issued out a new Pardon to the Malecontents, that should return to his Obedience within 15 Days, commencing the 25th of April, which had that good effect, that all the Provinces of the *Lower Hungary* submitted; and the same Pardon being

The Hostilities renewed.



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being offer'd to a Body of 10000 Malecontents, Com-  
manded by the *Sieur Niski*, the greatest part laid  
down their Arms, and return'd home, and the rest  
Listed themselves in the Emperor's Service. These  
Disadvantages enclin'd Prince *Ragotzi*, Count *Bere-*  
*zeni*, and other Chiefs of the Malecontents, seriously  
to deliberate upon the Proposals made to them by  
the Envoy of the States General; and having held a  
great Council among themselves, they resolv'd to  
send the Provost of the Chapter of *Colocza*, and the  
*Sieur Okoluzani*, Procurator of the Kingdom of *Hun-*  
*gary*, and a Protestant of great Interest there, as their  
Deputies to *Vienna*, with their Answer to the Empe-  
ror's Proposals, and some Demands of their own.  
Those Deputies arriv'd at *Vienna* the 9th of *April*,  
and the next Day had their Audience of the Empe-  
ror; and the 11th of the King of the *Romans*, the  
Electo*r* *Palatine*, Prince *Eugene* of *Savoy*, and other  
Ministers. The chief Points they insisted on, were,  
' That after the Death of the Emperor, and the King of  
' the *Romans*, the Kingdom of *Hungary* might become  
' again Elective, pretending, that the States of that  
' Country, which presumed some Years before to  
' alter that Fundamental Law, had no Legal Power  
' to do it, and betrayed the Trust reposed in them,  
' as well as the Liberties of their Country. Tho'  
the Imperial Court was resolv'd never to yield that  
Point, yet several Conferences were held between  
the Emperor's Ministers, and the Deputies of the  
Malecontents, who not long after receiv'd the Em-  
peror's Resolutions on that Negotiation, which re-  
lated to the Preliminaries. The most considerable  
Articles were ' That there should be a Cessation of all  
' Acts of Hostility for six Weeks, and that during that  
' Time, there should be a meeting of the Commissio-  
' ners of the Emperor, and the Deputies of the *Hun-*  
*garians*, to endeavour to reconcile all differences,  
' by the Mediation of the Ministers of *England* and  
' *Holland*. The granting of a Cessation of Arms was  
strongly oppos'd by several Ministers of the Jesuitical  
Faction at *Vienna*, who represented, That this was  
but an Artifice of the Malecontents to gain Time,  
and see whether the *French* Succours could joyn the  
*Bavarians*, without whose Assistance, by Diversion  
or otherwise, they could not pretend to maintain

The Male-  
contents  
send Depu-  
ties to  
Vienna.  
Their Ne-  
gotiation.

A. C. War against the Emperor. In the mean time the Hostilities continued, and the Malecontents, in their

1704. turn, gain'd some Advantages on the Imperialists: For General Tramp, who attacked the Hungarians on the 20th of April in the Island of Schut, was repuls'd with loss, and died some days after, of the Fatigues he underwent in that Enterprize: On the other hand, Prince Ragotzi marched towards Buda, and pass'd the Danube below that Place, in order to regain the Country Count Caroli had lost, wherein he was powerfully assisted by Count Forgatz, a good Commander, who had lately deserted the Emperor's Service, and who oblig'd several Places of the Lower Hungary to declare again for the Malecontents. Thereupon Prince Ragotzi summon'd a General Diet of the Malecontents, to meet at Ketschkemet the 23d of May, (N. S.) to provide for the Government of Hungary, both in Civil and Military Affairs, which giving no small Jealousy to the Court of Vienna, the Archbishop of Colocza was sent to meet that Prince in his Camp, and confer with him on the Proposals of Peace offer'd by the Emperor; which not being likely to be accepted, his Imperial Majesty dispatch'd Count Sigismond Lamberg to Comorra, with new Instructions, and full Power to make larger Concessions.

The 9th of June, being the Anniversary of the Birth of the Emperor, who enter'd into the 65th year of his Age, there were great Rejoycings on that Occasion, but the same were disturb'd by the Malecontents, who advanc'd within half a League of the Lines of Vienna, burning and plundering several Villages. They destroy'd all the wild Beasts kept in the Park near Swchet, which the Turks spar'd when they Besieged Vienna, and amongst others, they kill'd the two extraordinary Leopards presented to the Emperor by the late Grand Signior, who were so tame, that they were made use of for Hunting, instead of Dogs. This Excursion occasion'd a great Consternation at Vienna, whither the Country People flock'd in great numbers; but the Garrison and Citizens getting to their Arms, repair'd to the Lines, and the Malecontents did not think fit to advance any farther. They continu'd two Days in the Neighbourhood of that Place, but Count Caroli, who commanded them, march'd on a sudden towards Raab, to



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to act in conjunction with Count *Forgatz*, who design'd to surround General *Heister*. They made several motions accordingly, but General *Heister* having notice thereof, resolv'd to attack Count *Forgatz*, before he was joyn'd by the others; and engag'd him on the 13th near *Giermuth*, and routed him. The Malecontents run away in great disorder, leaving 3000 Men kill'd on the spot, 6 Pieces of Cannon, 40 Colours and Standards, and several Waggon's loaded with Baggage and Ammunition. Count *Caroli* marched with so much Diligence to succour Count *Forgatz*: that he appeared in sight of the Imperialists, but seeing the Field of Battle cover'd with dead Bodies, he marched towards *Papa*, where Count *Forgatz* rally'd his scatter'd Forces, which before the Fight were computed 18000 Men. However, the Malecontents were not unfortunate every where; for, towards the beginning of June, Count *Berezeni* defeated the Imperialists, who had 700 Men either kill'd or taken, and among the latter General *Rit/chau*, their Commander. These mutual Disasters seem'd to dispose both Parties to Peace; and thereupon the Deputies of the *Hungarians* return'd home with the Emperor's Answer in Writing, containing among other Things the following Particulars: 1. That the Kingdom of *Hungary* shall be again declared to be Elective, upon certain Conditions and Restrictions. 2. That the Three Religions, viz. the Roman Catholics, Calvinists and Lutherans, tolerated in that Kingdom, shall be maintain'd in their respective Privileges. 3. That there shall be a general Pardon, and Act of Oblivion, without any Exception. 4. That the free Trade of that Nation shall be restor'd; and 5thly, That a general Dyet of the States of that Kingdom, shall meet once every Three Years.

Concessions  
offered by  
the Empe-  
ror.

In the mean time the Archbishop of *Colocza* having conferr'd at *Papa*, with the Counts *Caroli*, *Berezeni* and *Forgatz*, who appear'd well inclin'd to an Accommodation, sent a Pass from those Generals to Count *Lembergh*, who was arriv'd at *Raab*, with a new Commission from the Emperor, and some further Proposals. Count *Lembergh* repaired thither accordingly, but Prince *Ragotzi*, whose towering Ambition was still fed by some fresh Supplies, both of Men and Money, and larger Promises from *France*,

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refus'd to send him Passes to come to him, and thereby put a stop to those Negotiations. However, the two Deputies of the *Hungarians* being return'd to *Vienna*, deliver'd to the Imperial Ministers a long Memorial, which contained the following demands.

*Demands of  
the Hun-  
garians.*

1. That the *English* and *Dutch* Ministers shall be Mediators.
2. That the Generals *Heister* and *Rabutin* may be recalled.
3. That the King shall reside at *Presburg* or *Buda*.
4. That the Right of a Free Election, their Ancient Privileges, and the Decree of *S. Andrew* shall be confirm'd.
5. That a Diet shall be held in *Hungary* once in three Years.
6. That the Treaty with the *Turks* may be communicated to the *Hungarians*, and no Treaty afterwards be manag'd without them.
7. That all Foreign Troops be sent out of the Kingdom, and never brought in again, without consent of the Diet; and that the *Hungarian* Militia may be set on Foot.
8. That the Courts of Justice may have their Ancient Freedom.
9. That the Benefices and Offices of the Church, be given to none but *Hungarians*, Protestants as well as Papists.
10. That the Ancient Privileges be restor'd to the Office of Palatine.
11. That the Mountain Towns, as well as other Free Royal Towns, may enjoy all their Liberties.
12. That the Court Chamber, who have the Charge of the Affairs of *Hungary*, may be subject to the Laws of *Hungary*.
13. That the Salt Trade of *Hungary* may be free.
14. That all Posts in the Kingdom be conferr'd upon Natives, without Difference of Religion.
15. That no Impost or Taxes be laid on, but by the Diet, nor any Troops quartered but by their Consent.
16. That all the new Conquests be incorporated with the Kingdom.
17. That the *Hungarians* be not vexed, as formerly, by Commissaries about bordering the Conquests.
18. That no *Hungarians* be try'd by Commissions out of the Kingdom.
19. That the Sentence against *Ragotzi* be reversed, and he declared a Prince.
20. That none but Native Lawyers be admitted into the *Hungarian* Chancery.
21. That all Strangers go out of the Kingdom.
22. That the greater and lesser Nobility may enjoy their Privileges.
23. That



‘ That the Revenues and Patrimony of the Crown  
 ‘ be annexed to the Crown. 24. That the Jesuits be  
 ‘ banish’d the Kingdom. 25. That the Transilva-  
 ‘ nians be likewise made a Free People. These Ar-  
 ‘ ticles being debated in the Emperor’s Council, they *The Empe-*  
 ‘ returned an Answer to this Effect. ‘ That the Rights *ror’s An-*  
 ‘ acquired in *Hungary* by the Blood of the *Germans*, *swer.*  
 ‘ and at the Charge of the Hereditary Countries,  
 ‘ be maintain’d. That the *Hungarians* shall be re-  
 ‘ stored to all their Rights and Posts, and their Rights  
 ‘ and Privileges shall be preserv’d. That the Arti-  
 ‘ cles of the Diets of *Edenburg* and *Presburg*, concern-  
 ‘ ing Religion, shall be inviolable, and that Offices  
 ‘ shall be indifferently conferr’d. That the Price of  
 ‘ Salt shall be limited, the Superfluity and Want of it  
 ‘ provided against; and the like in *Transilvania*. That  
 ‘ the *Hungarian* Wine shall be allow’d Course into  
 ‘ Neighbouring, as well as into remote Countries;  
 ‘ That as soon as a Cessation of Arms is concluded,  
 ‘ the Malecontents shall be allow’d to present their  
 ‘ Grievances in the Presence of the Ministers of  
 ‘ *England* and *Holland*; and that for the time to come,  
 ‘ the Emperor himself shall be present at the Diet of  
 ‘ *Hungary*, to consult with the States about what shall  
 ‘ be necessary; or otherwise the King of the *Romans*  
 ‘ shall be sent thither for that end.

Notwithstanding all these Advances towards a  
 Peace, the Imperialists and Malecontents renew’d  
 their Hostilities with redoubted Fury; but the Suc-  
 cess of the Duke of *Marlborough* at *Schellenberg* en-  
 clin’d Prince *Ragotzi* to an Accommodation, and to  
 grant Passes to the Archbishop of *Colocza* and Count  
*Sigismund* of *Lembergh*, to repair to *Gongos* the 20th  
 of *August*, to make their Proposals to the Chief Lea-  
 ders of the Malecontents, who were Summon’d to  
 meet there. The entire Defeat of the *French* and  
*Bavarians* at *Bleinheim* had still a greater Influence on  
 the Affairs of *Hungary*. The Envoy of *France* that  
 attended Prince *Ragotzi* was not able to varnish over  
 that Disaster; and the Chiefs of the Malecontents  
 wisely considered, That *France* and *Bavaria* being  
 not in a condition to assist them, and the *Turks* ei-  
 ther unwilling or unable to do it, it was high time  
 for them to think of making the best Terms they  
 could, by the Mediation of those Powers who

A. C. so generously interposed their good Offices. A Cef-  
 1704. sation of Arms was thereupon agreed to, on both  
 sides, and *Sobemnitz* appointed for the Place of Treaty.  
 The Emperor named Count *Sigismund* of *Lembergh*,  
 Count *Bohari* an *Hungarian*, and the Baron *de Zeilern*  
 for his Commissioners at the Conferences; the *Hun-*  
*garians* appointed the Counts *Berezini* and *Caroli*,  
 with the *Sieur Radzkai*, to be their Plenipotentiaries;  
 and Mr. *Stepney* and Monsieur *Bruyninx* were to assist  
 at the Treaty, as Mediators from her *Britannick* Ma-  
 jesty and the States General. The Commissioners of  
 the Emperor, with Monsieur *Bruyninx*, set out  
 the beginning of *October* N. S. for *Presburgh*, where  
 they expected several Days the new Passports from  
 Prince *Ragotzi* in the Form insisted on by the Court  
 of *Vienna*. That Prince had sent Passports before,  
 but having therein taken the Title of Prince of *Tran-*  
*silvania*, and Chief of the Confederates in *Hungary*,  
 the Imperial Ministers would not accept the same,  
 lest those Titles should be of ill Consequence. Prince  
*Ragotzi* made some alterations therein, but did not  
 entirely comply with the Form sent from *Vienna*,  
 which was likely to stop the Negotiations, had not  
 the Envoy of the States prevail'd upon the Imperia-  
 lists to pass over all Formalities, shewing them, by  
 several Instances, that they could no ways prejudice  
 the Interest of their Master, and that if Niceties of  
 this nature were insisted upon, it would have been  
 impossible to make any Treaties, for these many  
 Ages, between the Crowns of *England* and *France*,  
 because the Monarchs of *Great Britain* do not only  
 take the Titles of King of *France*, but do likewise  
 quarter the Escutcheon of their Arms with Three  
 Flowers-de Luce. These Reasons were so strong,  
 that the Imperialists consented to go on, and accord-  
 ingly the Mediator and Plenipotentiaries set out from  
*Presburgh* the 13th under a Guard of 50 Soldiers,  
 Commanded by a Lieutenant, who conducted them  
 to about half a League of that Place, where they  
 were receiv'd by Three Troops of *Hungarians*. They  
 continued their Journey by *Scenez*, *Wartbergh*, *Schinta*  
 and *Leventz*, thro' a most difficult Country, and the  
 17th in the Afternoon arrived at *Schemnitz*, a place  
 that lies on the side of a Hill, which is so uneven,  
 that the Streets are full of Rocks, and the bottom of  
 the



the Town so extraordinary dirty in rainy Weather, that it is almost impossible to walk on Foot, or use Coaches. The first Days were taken up with receiving and returning Visits, and the Archbishop of *Colocza*, Count *Sigismund* of *Lemberg*, Count *Berezini*, and the Baron *Szirmay*, gave the first Visit to the Envoy of the States General in respect to his Character. They appointed likewise a Guard to stand before his House, and Count *Berezini* sent his Coach and Six Horses, with Six Heydukes, to attend his Excellency. Prince *Ragotzi* being arrived at *Eysenbach*, within two Leagues of *Schemnitz*, under Pretence of using the Warm-Bath of that Place, the *Sieur Bruininx* went thither the 20th, and that Prince sent two Coaches with six Horses, and six Led Horses, with several Noblemen and Gentlemen, to meet him, and receiv'd him with all imaginable Respect. His Excellency made a Speech suitable to the Occasion, and gave a short Account of the Reasons and Motives which had induced the Queen of *Great Britain*, and the States General, to interpose their Mediation and Good Offices for reconciling the unhappy Differences that had lately disturb'd *Hungary*, and desir'd that his Highness would do, on his part, whatever might facilitate the Treaty. That Prince answer'd, in a most civil manner, that the *Hungarians* could never sufficiently acknowledge the Generosity of her Majesty, and their High Mightinesses; that for his Part he was ready to use his utmost Endeavours to promote Peace; that he was empowered to accept provisionally the Mediation of *England* and *Holland*: only for regulating a formal Suspension of Arms, but that it was not in his Power alone to accept it in general for a Peace. He soften'd that Declaration as much as possible, and the Mediator having taken his leave, was conducted back with the like Ceremonies to *Schemnitz*, where he returned the 21st.

Those who knew the Circumstances of the Emperor's Affairs, the Necessity of Relieving the Duke of *Savoy*, and carrying on a vigorous War against *France*, did reasonably believe that the Imperial Court would be so far from refusing to redress the just Grievances of the *Hungarians*, that even they would, by some new Concessions, disarm the Malecontents, and settle the Tranquillity of that Kingdom upon a lasting

Foun-

A. C.

1704

Treaty at  
Schem-  
nitz.

A. C. Foundation; but it seems the Intrigues of Monsieur Verville the French Envoy, with Prince Ragotzi, contributed less to the breaking off of the Conferences at Schemnitz, than the Stiffness of the Imperial Commissioners; as may easily be gather'd from the following Letter, which was written by a Gentleman who accompanied the Dutch Mediator:

A Letter  
giving an  
Account of  
the break-  
ing off of  
the Treaty,  
dated Vi-  
enna Nov.  
15th.

I Have had no opportunity to write to you since my last dated from Schemnitz the 22d of October, wherein I acquainted you with the Audience Monsieur Hamel Bruyninx, Envoy extraordinary of the States General, had of Prince Ragotzi at Eysenbach. I told you also, that that Prince had not formally accepted the Mediation of England and Holland for a Peace, but only for a farther and formal Prolongation of a Suspension of Arms. Mr. Stepney, Envoy Extraordinary of her Majesty of Great Britain, being arrived few days after, we were in hopes that those Negotiations would have had a good Issue; but the Plenipotentiaries of the Emperor having delivered, in writing, the conditions upon which they were empower'd to consent to that Suspension of Arms, the Deputies of the Hungarians declared to the Mediators, that the Points insisted upon by the Imperialists were so unreasonable, that it was plain, they did not seriously intend to make an end of these Troubles in a friendly way, and their Proposals did not deserve an Answer. Mr. Stepney and Monsieur Bruyninx used all imaginable endeavours with Prince Ragotski to prolong the Truce for 14 days longer, in hopes that they might have time to write to the Emperor, but that Prince would not hearken to it, unless the Imperialists yeilded certain Points, which the Mediators could never obtain from the Imperial Plenipotentiaries. The Mediators desir'd the Hungarians to deliver a Counter Project, but to no purpose, and so that Negotiation broke up without any success, tho' none of the Parties did absolutely deny what the other demanded. The Imperial Commissioners insisted, that the Hungarians ought to give an answer to their Project, and Count Berezeni and the other Deputies of the Malecontents alledg'd, that Prince Ragotski, in the name of the rest, having de-

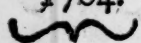
liver'd



liver'd a formal answer at *Giengoch* to the Proposals  
 made unto them on the part of the Emperor, by  
 the Archbishop of *Colocza*, there was no need of any  
 other answer; and that if the Imperialists were sin-  
 cerely dispos'd to Peace, they ought to return a re-  
 ply to their said answer, that the Mediators might  
 see wherein they differ'd, and endeavour to bring  
 them to an Agreement. Which party was in the  
 right, and most seriously inclin'd to Peace, I leave  
 it to you to judge; but a great many on both sides  
 could not forbear expressing how sorry they were,  
 to see that the Negotiations should break up upon  
 a nicety of Form. I shall not trouble you with a  
 particular Account of the Demands of the Imperi-  
 alists, which you may have seen already, but I  
 must tell you, that when Count *Berezeni* saw, that  
 they insisted that they should restore *Cassovia* and  
 all the places in the Mountains, and evacuate Up-  
 per *Hungary*, he declar'd that those demands were  
 no less surprizing to them, than if they had requir'd  
 that Prince *Ragotski*, and all the *Hungarians*, should  
 send their Heads to *Vienna*, according to the Pra-  
 ctice of a Neighbouring Empire. By the Propo-  
 sals made by the Archbishop of *Colocza*, the Empe-  
 ror consented that Prince *Ragotzi* should be restored  
 to the Possession of all his Estate *Per viam Gratiae*,  
 as an Act of Grace and Favour; but the *Hunga-  
 rians*, in their Answer, insisted, that it should be  
 express'd, that Restitution was an Act of Justice,  
*Per viam Justitiae*. I was inform'd that a Turkish  
 Envoy or Agent, came to *Eysenbach* while the Me-  
 diators were at *Schemnitz*, but that he declar'd that  
 the whole Kingdom of *Hungary* being in Arms,  
 he was come there only *ad videndum & audiendum*,  
 to take care nothing prejudicial to the Interest of  
 the Port should be concerted there. Prince *Ragotzi*  
 set out the 1st instant for his Army, and the 7th.  
 Instant invested *Neubausel* with 16000 Men provided  
 with a good Train of Artillery, and several able  
 Engineers, most of them of the *French* Nation;  
 and the Malecontents hope to be soon Masters of  
 that place. The Garrison is but weak and indiffe-  
 rently provided, and besides, the Fortifications have  
 been very much neglected since the taking of *Buda*,  
 and so many other places nearer the Turkish Domi-  
 nions.

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nions: The Mediators seeing all their pains and endeavours thus frustrated, return'd hither the 12th Instant, and labour indefatigably for giving the Emperor a right *Idea* of the present posture of Affairs in *Hungary*, which, 'tis feared, have been misrepresented. The Revolution in the Ministry at *Constantinople*, adds a new weight to their Reasons; for it may be fear'd, that the new Vizier may be influenc'd by the Councils and Money of *France*, and engag'd to persuade his Master to assist the *Hungarians*. Those good Offices of the *English* and *Dutch* Ministers are the more necessary, because there is a strong Faction here, which would rather see the *Hungarians* subdued by force of Arms, in hope of enriching themselves by Confiscations, than make any step for reclaiming them to the Obedience of their Sovereign. This Faction, which kept for some time behind the Curtain, appears now somewhat publickly, but we have some reasons to hope, that they will miscarry in their designs, especially, seeing the King of the *Romans* has more than once declared, that he was convinc'd of the false measures the Imperial Court was inspir'd with by that Party. Thus the Good Offices of Her Majesty of *Great Britain*, and of the States General, were frustrated to the great Surprise and Disappointment of all who wish'd well to the Common Cause, and who could not but lament to see the great Concerns of the House of *Austria* in *Italy*, and on the *Rhine*, sacrific'd to the Interest of the Jesuits, and of those *Germans* who enjoy illegal and arbitrary Confiscations in *Hungary*. The Recruits so long promised the Duke of *Savoy* and Count *Leiningen*, were thereupon sent into *Hungary*; and the Defence of the Empire, and the Care of setting Bounds to the Ambition of *France*, entirely left to the *English* and *Dutch*: Which unaccountable Conduct caused great Murmurings in *Vienna*, and well-grounded Jealousies in *England* and *Holland*, who did justly expect a better Return for the vast Expence of Blood and Treasure which they were at, in Defence of the Rights of the House of *Austria*, than a Refusal from the Emperor's Ministers, to redress the Grievances of their Protestant Brethren in *Hungary*.

Let

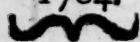


Let us now attend the Duke of *Marlborough*, whom we left with Prince *Eugene*, at the Camp of *Croon-Weisssemburgh*, covering the Siege of *Landau*, before which Place the Trenches were open'd the 16th of *September* (N. S.). The Day before, his Grace went to the Camp before that Place, and upon his return, that Night was seiz'd with a Fit of an Ague, of which, however, he was soon recover'd. The 18th Monsieur de *Martigney*, Chamberlain to the Duke of *Lorraine*, came to *Croon Weisssemburgh* with a Compliment from his Master to the Duke of *Marlborough*, to desire his Grace's Protection for his Territories, which now lay expos'd to the Excursions of the Confederate Troops. Count *Oxenstiern*, formerly the King of *Sweden*'s Envoy in *England*, and at this time Governor of the Dutchy of *Deux-Ponts*, which belongs to his *Swedish* Majesty, waited at the same time on the Duke of *Marlborough*, requesting the same Favour: Which his Grace generously granted to both. Three Days † after, the King of the *Romans* arrived before *Landau*, and the Duke of *Marlborough*, who by this time was perfectly recover'd of his Indisposition, waited upon his Majesty the next Day, accompanied by Prince *Eugene*, and several other General Officers; and was receiv'd by that Imperial Prince with such Demonstrations of Joy and Affection, as sufficiently express'd the high Esteem he had of his Grace's Personal Merit, and of his great Services to his Majesty's Family, and the whole Empire. The Duke staid two Days before *Landau*, and having view'd the Approaches, which he found in pretty good Forwardness, he \* returned to his own Camp at *Croon-Weisssemburg*, whither he was follow'd the next day by Prince *Eugene*: Upon whose arrival four Regiments were sent to reinforce the Siege. The 26th the Besiegers continued their Works without any Interruption, but on the 27th the Garrison made a vigorous Sally; tho' without any great Success, being repuls'd with equal Loss, which was inconsiderable on either side. The 28th in the Morning, the Duke of *Marlborough* waited again upon the King of the *Romans*, to a Review of the Army before *Landau*, which had been lately reinforced by the Troops from before *Ulm*, and his Grace return'd to *Weisssemburg* the next Day. The second of *October*, the

The Trenches  
open'd be-  
fore Lan-  
dau,  
Sept. 16.  
N. S.

The King of  
the Ro-  
mans comes  
before the  
place,  
† Sept. 21.

Sept. 24.

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† Octo. 7.

The Siege  
of Landau  
draws into  
length.

the King of the *Romans*, attended by the principal Officers of his Court and Army, went from his Camp before *Landau* to *Croon-Weissenburg*, to make the Duke of *Marlborough* a Visit, and see his Victorious Troops, of which his Grace having Notice, he drew up his Forces in two Lines, and receiving his Majesty at the Left-wing of his Army, waited on him all along the Line, and saluted him with a triple Discharge of all the Artillery, and small Arms. The King being extremely well satisfied at the good Condition he found the Duke's Troops in, and pleas'd with the Entertainment, he, with his whole Court and Officers, had receiv'd from his Grace, return'd in the Evening to his Quarters near *Landau*. Five Days † after, the Duke of *Marlborough* paid another Visit to the King of the *Romans*, and Prince *Lewis* of *Baden*, with whom he had a long Conference, after which he view'd the Approaches, and the 10th return'd to his Camp at *Weissenburg*, where the next Day Monsieur *Watchleberg*, Envoy from the King of *Poland*, to the Emperor, and the Marquis de *Prie*, Envoy from the Duke of *Savoy*, waited on his Grace with Commissions from their respective Masters.

In the mean time, the Siege of *Landau* was carried on with less Success than was at first expected: For the Place was not only made stronger since it fell last into the Hands of the *French*, but was likewise well provided with a numerous Garrison, and defended by a Skilful and Brave Governor, Monsieur de *Laubanie*; not to mention, that the *Germans*, after their usual Way, found themselves short in their Artillery, Ammunition, and other Necessaries. The *French* having observ'd that the Safety of that Place consisted in the Outworks, had not only enlarged the Redoubt called the *Lunette* of *Melac*, which was taken the 10th of October (N. S.) after a stout Resistance; but they had undermined all the Glacis, Counterscarps and Covered-Ways, which rendered the Approaches extraordinary difficult, and took up a considerable Time, the Besiegers being obliged to advance to the Counterscarp by the Sap, without daring to attempt it otherwise. Having discovered several Mines, they ventured the 18th to beat the Enemy from the Counterscarp, but the Attack beginning two Hours sooner than it was resolved, they could not maintain themselves



selves thereon on the Left, and lodged themselves on-  
 ly on the Saliant Angle on the Right. The length  
 of this Siege made the Duke of *Marlborough* very un-  
 easie at *Croon-Weissenburgh*, his Grace being afraid *See the*  
 that he should not have time to execute his Designs *Appendix,*  
 on the *Moselle*, which were no less important than Number  
 the taking of *Landau*. This Uneasiness increased XIX.  
 upon advice, that the *French* intended to send a Re-  
 inforcement towards *Triers* from the *Netherlands* and  
*Haguenau*; which made him resolve to prevent the  
 Enemy, and to march thither in Person with part of  
 his Forces, and to leave the rest under the command  
 of Prince *Eugene* of *Savoy*, at *Croon-Weissenburgh*.  
 This Resolution being taken, his Grace sent † some † Oct. 13.  
 Battalions, and a Detachment of Dragoons to possess N. S.  
*Homburgh*, with Orders to fortifie that Post; that De-  
 tachment was followed by another, with the Artil-  
 lery, commanded by Colonel *Blood*, and on the 22d  
 the rest of the Forces designed for that Expedition  
 marched to *Hamburgh*, where the Duke joined them  
 the 24th. His Grace hasten'd his March as much as  
 was possible thro' a mountainous Country, which is  
 in a manner desert, and on the 28th arrived at *Her-*  
*merskel*, within six Leagues of *Triers*, where three  
 Deputies of that City waited upon his Grace, and ac-  
 quainted him, that the *French* having still 300 Men  
 in the Fort of *St. Martin*, they were apprehensive of  
 some ill Usage if his Grace did not prevent it. Up-*The Duke*  
 on this Account, the Duke march'd the 29th before of Marl-  
 Break of Day with all the Horse, and four Battalions-borough  
 of Foot, and about 11 of the Clock his Vanguard *secures*  
 appearing in sight of *Triers*, the *French* abandon'd *Triers*,  
 the Fort, having thrown their Ammunition, and some Oct. 29.  
 Corn into the *Moselle*. Our Dragoons pursued them N. S.  
 to the Banks of the River, and took part of their  
 Baggage, and some Prisoners. The Enemy had no  
 sooner pass'd the River, than they burnt the Bridges,  
 and, in all likelihood, would have done more Mis-  
 chief, if the Duke had not come so suddenly to dis-  
 lodge them. His Grace having thus possess'd that  
 important Post, summon'd a great Number of Pio-  
 neers to work on the Fortifications of *Triers*, and  
 went the last of *October* (N. S.) to view the Ground  
 about the *Saar*, and caus'd a Camp to be mark'd at  
*Consaarbrich* on that River, for the Horse to cover  
 those

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1704.

He goes to  
view  
Traer-  
bach.

He returns  
to Landau,  
Nov. 6.  
N. S.

Treaty with  
the Ele-  
ctress of  
Bavaria  
concluded,  
Nov. 10.  
N. S.

those that work'd on the Fortifications of *Triers*, whither the Cavalry march'd accordingly the first of *November* (N. S.) The same Day the Duke made the Repartition of the Winter Quarters to the several Generals under him, and in the Afternoon went towards *Traerbach*, accompanied by the Hereditary Prince of *Hesse Cassel*, and other Generals, They lay that Night at *Fels*, the next Day at *Nimaguen*, and came to *Bern-Cassel* the third of *November* about Noon. His Grace went immediately to the rising Grounds near *Traerbach*, to take a narrow View of the Place, and review'd the *Dutch*, which were lately arriv'd in the Neighbourhood from the *Maese*; and having given the necessary Directions for the Siege of *Traerbach*, the Care whereof was committed to the Prince of *Hesse Cassel*, his Grace set out the next Day early on his return to the Camp at *Weissenburg*. His Grace came that Night to *Kern*; the next Day to *Keyserlauteren*, and the 6th at Night to the Camp before *Landau*, where he found the Besiegers Masters of the Counterscarp, on which they had rais'd some Batteries; and more being perfected the next Day, they had about 60 Pieces of Cannon firing to make a Breach. The 8th of *November*, the Duke return'd to *Weissenburg*, somewhat displeas'd with the slowness with which the Siege of *Landau* was carried on, and considering that the *French* had sent all their Horse of the Household from their Camp at *Haguenau*, to put them into Winter Quarters, his Grace order'd the *English* Cavalry to march from *Croon-Weissenburg* towards *Holland*.

On the 10th of *November*, the Treaty of Accommodation between the Emperor and the Electress of *Bavaria*, was Concluded by the King of the *Romans*, and the Deputies of Her Electoral Highness, who was to surrender all the Towns in her Possession to His Imperial Majesty; to continue at *Munich* with a Guard of 400 Men, and to have a yearly Pension allowed her out of the Revenues of that Electorate, for the support of Her Court and Family. About the middle of *November*, the Duke of *Marborough*, being sensible, that the Siege of *Landau* would not last much longer, took his Leave of the King of the *Romans*, and the other Generals, order'd the *English* Foot to decamp, and march towards the *Rhine*, in order to be embark'd for *Holland*; and having given the neces-



lary directions for the Winter Quarters of the rest of the Forces under his Command resolved to Crown his Glorious Campaign by an important Negotiation with the King of Prussia, in favour of the Duke of Savoy; in order to which, his Grace set \* out from *Weissenburg* on his journey to *Berlin*, the 15th of November. The same Day, the Besiegers before *Landau* storm'd the Half-moon next their Approaches, and lodg'd themselves on it with inconsiderable loss. A week † after they sprung a Mine under that Half-moon, which threw up such a great quantity of Earth, that it almost fill'd up the Ditch. The Besiegers made use of this Advantage to attack the two Counter-guards, and wholly possess'd themselves of that on the Right, and took Post on the Angle of the other on the Left; whereupon the Garrison beat a Parly the next day. Hostages being exchanged, the King of the Romans granted the Garrison very honourable Articles; in Pursuance of which they deliver'd one of the Gates the 25th, and the 26th marched out of *Landau*, to the number of 3400, which surviv'd out of 7000 Men, of which the Garrison consisted at the beginning of this Siege. The loss of the Besiegers was less in proportion, for they had not above 2000 Men killed, and about twice as many wounded; but yet the French Governor gain'd more Honour by his vigorous Defence, than the Germans did by their Conquest, since he stopt above two Months, the Progress of a Victorious Army, which might otherwise have penetrated into the very Heart of France; an Honour, which together with a good Pension from his Master, made Monsieur de *Laubanie* large Amends for one of his Eyes, which he lost in that memorable Siege. The King of the Romans went into *Landau*, the same day the French evacuated the Town, and found it reduced to a heap of Rubbish; and having given the Command thereof to the Count de *Frieze*, who had before fill'd that Post with so much Reputation, his Majesty set out for *Vienna*; sending Prince *Eugene* to reduce the refractory Garrison of *Ingoldstadt* and to settle the Affairs of *Bavaria*; and leaving to Prince *Lewis* of *Baden* the disposition of the Forces of the *Rhine*.

The Duke of *Marlborough* arrived at *Berlin* the 22d of November in the Evening, having been received in all the Towns through which he passed, which lay

A. C.  
1704.

The Duke of  
Marlborough  
goes to Ber-  
lin.

Nov. 15.  
Nov. 22.

And sur-  
rendered,  
Nov. 25.

Just Praise  
of the Go-  
vernor.

The Duke  
of Marl-  
borough's  
Arrival

and Enter-  
tainment

A. C.  
1704.

mostly in the Territories of the Landgrave of *Hesse Cassel*, the Duke of *Wolfembüttel*, the Elector of *Hannover*, and the King of *Prussia*, with extraordinary Marks of Respect. His Grace upon his coming to *Berlin*, was met without the Town by the King's Great Chamberlain, the Field Marshal, the Lord *Raby*, Envoy Extraordinary from Her Majesty of *Great Britain*, and several other Persons of Quality, and was carried to the House for Entertainment of Ambassadors, where his Grace, with his Retinue, was lodged, and entertained during his stay there. His Grace had Audience that Evening of the King and Queen, and was received with great Kindness and Esteem. The 24th. the Prince Royal entertain'd him at Dinner, where were the King and Queen, with the Foreign Ministers, and several Persons of Quality; and at Night gave a Supper, and afterwards a great Ball for his Grace's Entertainment. The Twenty Fifth the King had for his Grace's Diversion, a Combat of Wild Beasts in his Amphitheatre; and at a Supper which the Lord *Raby* gave his Grace, the King, with the Margrave his Brother, came and Supped with him. Neither were the Ministers of this Court, the Foreign Ministers, and other Persons of Quality, wanting to pay their Respects to his Grace, but all strove, in a particular manner, to express their Sense of his Personal Merit, and of the signal Advantages the Empire had receiv'd by his Courage and Conduct. The 26th. the Prince Royal of *Prussia* set out for *Hannover*; and the Duke of *Marlborough* left that Court, and proceeded towards that Place, being extremely well satisfied with his Reception, and the success of his Negotiation. The King presented him at his departure with a Hat, with a Diamond Button and Loop, and a Diamond Hatband, valued at between 20 and 30000 Crowns, and two fine Saddle Horses, with very rich Furniture, and with other Presents. His Majesty also gave Noble Presents to Mr. *Cardonel*, his Secretary, and other principal Persons of his Grace's Retinue. As for the subject matter and result of the Duke's Negotiation, no more of it is yet come to Publick Knowledge, save only, That his Grace obtain'd that 8000 *Prussians* should march into *Italy*, to serve there for the relief of the Duke of *Savoy*, under the Com-

mand



mand of Prince *Eugene*, who having been Eye-Witness of their Behaviour at the Battle of *Bleinheim*, could not sufficiently praise their Bravery and Resolution. The Prince Royal of *Prussia*, and the Duke of *Marlborough* arrived at *Hanover* the first of *December*; where his Grace was receiv'd with all imaginable demonstrations of Respect and Kindness by that Elector, the Princess *Sophia*, and all the rest of that Court, and always eat with their Electoral Highnesses. On the 4th the Prince Royal of *Prussia* left *Hannover*, and continued his Journey to *Holland*. The Duke of *Marlborough*, who intended to have set forward at the same time, but was prevail'd upon by the Elector to stay a day longer, took his Audience of leave that night, and the next \* Morning begun his Journey towards *Hol-* \* Dec. 5.  
*land*. Four Days after † his Grace arrived at *Naerden*, N. S.  
 where he was met by one of the Secretaries of the † Dec. 9.  
 City of *Amsterdam*, who had been sent by the Magi- N. S.  
 strates with two Yachts, to invite and attend him And at  
 thither. The next Morning his Grace, after he had *Amster-*  
 viewed the Fortifications and Magazines of *Naerden*, *Dec.*  
 proceeded by Water towards *Amsterdam*, where, *10.*  
 arriving about Noon, he was received at the Limits of that City by Burgomaster *Witsen*, and the Pensionary, who complimented his Grace in the Name of the whole Magistracy, congratulating his safe return from his glorious Campaign, and his Victories at *Schellemborg* and *Hochstet*. The Speech being ended, his Grace was brought in the Burgomaster's Coach, followed by a great number of other Coaches, wherein sat the Senators and other Persons of Note, (two Secretaries riding before) into this City, and was saluted with several Rounds of all the great Guns from the Walls. His Grace was conducted to Burgomaster *Witsen's* House, thro' the greatest Concourse of People, and Expressions of Joy, that have been seen upon any Occasion. His Grace was welcomed there by all the Governing Burgomasters, the Pensionary making a very Eloquent Speech in their behalf. After Dinner they accompanied his Grace to the City-Theater, where a Comedy was Acted, with several Entertainments of Dancing and Musick, for his Grace's Diversion. † The next day his Grace return'd the Visits to all the Governing Burgomasters, who † Dec. 11.  
 gave his Grace, and the *English* Gentlemen, who N. S.

A. C. were with him a Noble Entertainment at the *Heeren*  
 1704. *Lodgment*, having shewn his Grace their famous Stadt-  
 house and Magazine, with the Magazine of the *East*  
*India* Company, and the *Jews* great Synagogue, who  
 sung a Benediction to Her Majesty and Her Allies.

He goes to The 12th in the Morning his Grace set out for the  
 12th Hague, being again saluted with a triple Discharge of  
 Dec. 12 all the Cannon, and the like Acclamations of Joy from  
 N. S. the People.

In the mean time the Prince of *Hesse Cassel* was carrying on the Siege of *Traerbach*, where the Allies found as great resistance, as they had met with at *Landau*, in proportion of the bigness of the Place, and the number of the Garrison. The Castle of *Traerbach* was Invested the beginning of *November*, and the Batteries began to play the 18th of that Month, with so much Success, that on the 21st the Besiegers attempted to storm and scalade it, but the Rock, on which that Fortress is built, proved so steep on that side; the Rain was so violent, and the Besieged made so vigorous a Defence, that the Assailants were forced to retire with loss. The *French* Governor having been mortally Wounded in that Attack, the Allies hoped to have better success in another Attempt, which they made the 23d in the Night, but they were again oblig'd to abandon that Attack, and to remove their Batteries on the other side, where the Ascent of the Rock is more easie: Which Service took up their time till the latter end of *November* (*New Stile*.) The *French* made some Motions about *Thionville*, as if they intended to march to the relief of *Traerbach*; but the Prince of *Hesse Cassel* having detached some Troops, to reinforce Lieutenant General *Hompesch* about *Triers*, the Enemy returned to their Quarters; and thereupon the Allies put the Dutchy of *Lorrain* under Contribution, the *French* having first violated the Neutrality of that Dutchy, and its Dependencies. The badness of the Weather, and the loss of the Baron of *Trogne*, the States chief Engineer, who was shot by the Prince of *Hesse's* side, giving the necessary Orders, were great Discouragements to his Highness to pursue the Siege of *Traerbach*; but nevertheless that Prince caused the Attacks to be carried on with Vigour, and at last obliged the Garrison to \* surrender,

*Traerbach* sur-

\* Dec. 20.



der, tho' on Honourable Conditions. Besides, the Governor, who died of his Wounds, the French lost 350 Men out of 600, which was the number of the Garrison before the Siege. As for the Allies, they had about 1000 Men kill'd or wounded.

Tho' the States Army in the Netherlands did nothing considerable this Summer, yet some Passages that happen'd on that side, deserve a short mention in this *Annual History*, whose design is to relate all the Events that have any Relation to the Grand Confederacy, of which her *Britannick* Majesty is the main Support. On the first of *June* (N. S.) Monsieur d' *Auverquerque* decamp'd from the Neighbourhood of *Maistreicht*, and marched that Day, and the following Night towards the Enemy, who were surpris'd in the Morning to find our Forces in sight, and endeavour'd to possess themselves of a considerable Post near *Tongerren*; but being prevented in that Design, and unwilling to hazard coming to an Engagement, they were forced to march about to get into their Lines, which they did at *Faes*. General *Dopff*, at the same time, perceiving them to be in some Disorder, advanced with 30 Squadrons of Horse and Dragoons directly towards the French Lines by the shortest way, and finding them but slightly guarded, forced them near *Wassegue* with little Opposition. He remained in that Post near three Hours, and sent advice of what he had done to Monsieur d' *Auverquerque*, who thereupon called a Council of War, wherein it was resolv'd, That seeing the Enemy, with a superior Force, might fall upon Monsieur *Dopff*'s Detachment, before the rest of our Army could get up to support him, it was not advisable for him to continue in that Post; which Resolution being sent him, he quitted the Lines, and rejoined the Army.

About a Month after, Monsieur d' *Auverquerque* \* detach'd the Baron de *Trogne*, Brigadier General, with 2 Battalions; and order'd him to be follow'd by 1500 Foot, and 300 Dragoons in several Parties, which were all to join him at a Rendezvous assign'd them; as were also two Battalions from *Maestricht*, one from *Huy*, and Eight Hundred Men from *Liege*, the Officers being enjoyn'd Secrecy. The Baron's Orders were to be at *Hannuye* the 4th, to attack the

A. C.  
1704.

† July 7.  
N. S.

Namur  
Bombarded  
July 26.

Fort Isa-  
bella  
taken.

*French Lines* the next day between *Meerdock* and *Wasseigue*, and to take Post there till the rest of the Army could come up to him, which began to March for that purpose the 4th at night. This Enterprize had no better success than the former; for tho' the Baron *de Trogne* † entred the *French Lines* near *Muldorp* without any Opposition, yet the Rivers *Herk* and *Demer*, being (really, or, at least, pretended to be) overflow'd in such a manner, that it was judged impossible for the rest of the Army to come up to support him; it was resolved in a Council of War, to give over that design, and Orders were accordingly sent him to rejoin the Main Army, which after that march'd to *St. Tron*, and from thence to *Marsin* near *Huy*. Towards the middle of *July*, (N. S.) the Baron *de Trogne* was once more sent with a Detachment towards the *French Lines*, into which he entred the 19th at night near *Heildesheim* with little Opposition; but upon Advice, that a considerable Body of the Enemy were drawing that way to fall upon him, Orders were again dispatch'd to him to retreat; whereupon he rejoyn'd the Army, which was now Encamp'd at *Morsen*. From this Camp Monsieur *d'Auverquerque* sent out two Detachments, the one to bombard *Namur*, which was done with notable Execution from the 26th to the 29th of *July*; the other to fortify *Dinant*, and to raise Contributions between the *Sambre* and the *Maese*. The States Army return'd afterwards to *St. Tron*, consuming all the Forrage to the very Lines of the Enemy: who being still inferior in Strength, kept themselves very quiet within those Works. While the Grand Army of the States was on the *Maese*, the Dutch Forces in *Flanders*, Commanded by Baron *Spar*, bombarded *Bruges*, and made themselves Masters of the Fort *Isabella*, which was very troublesom to the Dutch; whose Ships could not come up to *Sluyce*, without being exposed to the Fire of that Fort. Nothing of moment passed afterwards in the *Netherlands*, till the arrival of the Elector of *Bavaria* at *Brussels*, with some broken Remains of his Defeat at *Bleinheim*. That Prince, like a pushing Gamester, had resolv'd to attempt the Recovering of all his Losses, by venturing his last Stake; of which the Court of *France* being apprehensive, they sent the *Mareschal de Villeroy* to the

*French*



French and Spanish Army in Brabant, to watch the A. C.  
 Eleſtor's Motions, and to prevent an Engagement. 1704.  
 This Precaution was very Neceſſary, for the Eleſtor  
 had certainly deſign'd to attack *Monſieur d'Auver-*  
*querque* in his Camp at *Borcloen*, the 28th of October  
 (N. S.). He had order'd ſeveral Battalions to paſs the  
*Maefe*, as if they were to march towards the *Mofelle*,  
 or beſiege *Huy*; but they were immediately recall'd,  
 and all the Garrifons were commanded to repair the  
 27th to *Tirelemont*, where all their Forces join'd, with  
 a great Number of Waggonſ. The Eleſtor reſolv'd  
 to march the next Day, and the Mareſchal of *Ville-*  
*roy*, who had conſented to all theſe Motions, in  
 hopes that the Army of the States would retire un-  
 der the Cannon of *Maeftricht*, and that he ſhould not  
 be oblig'd to ſhew to the Eleſtor the mortifying Or-  
 ders he was intruſted with, was very much ſurpriz'd  
 to ſee, that *Monſieur d'Auverquerque* waited for them  
 in his Camp, without being concern'd at their Super-  
 iority. This oblig'd him to repreſent to his Electo-  
 ral Highneſs, the Difficulties of Attacking the Ene-  
 my; the Advantage of their Camp; the Bravery of  
 their Troops, encourag'd by the Succeſs of their  
 Affairs in *Germany*, and the ill Conſequences the Loſs  
 of a Battle would be attended with. Theſe Rea-  
 ſons, tho' undeniable, made no Impreſſion on the  
 Eleſtor, who breath'd nothing but Revenge, and  
 therefore inſiſted to march on. He was ſo preſſing,  
 and us'd ſuch reflecting Words, that the Mareſchal  
*Villeroy*, who is as high Spirited as any Eleſtor, an-  
 ſwer'd him, That he would not march, and to end  
 the Diſpute, ſhew'd him the King's Orders. This  
 was a Thunderbolt for his Electoral Highneſs, who  
 immediately quitted the Army, and return'd to *Bruf-*  
*ſels*, where they had, to no purpoſe, made extraor-  
 dinary Prayers for the Succeſs of his Expedition, ex-  
 poſ'd the Sacrament, and the miraculous Image of  
 the Bleſſed *S. Gudula*. About a Month after, the  
 Enemy went into their Winter-Quarters, whereupon  
 the States Army did the ſame, and *Monſieur d'Au-*  
*verquerque* return'd \* to the *Hague*, two Days before \*  
 the Duke of *Marlborough* arriv'd there from *Amſter-*  
*dam*.

The Eleſtor  
 hindered by  
 Mareſchal  
 Villeroy  
 from At-  
 tacking  
 Monſieur d'  
 Auver-  
 querce.

Campaign  
 in the Ne-  
 therlands  
 ends.

\* Nov. 10.

A. C.

1704.

The Imperialists  
weak in  
Italy.

Affairs of  
the Duke  
Savoy.

A Ren-  
counter  
wherein Ge-  
neral Vau-  
bonne is  
taken Pri-  
soner.

The Troubles of *Hungary* having obliged the Emperor to keep an Army on that side, the Imperial Forces in *Italy*, were not Reinforc'd as they ought to have been ; and Count *Leiningen*, their Commander, being too weak to resist the Grand Prior of *France*, after the latter had pass'd the *Po*, thro' the Connivance of the Troops of the *Pope*, the Imperialists were forc'd to quit their Posts in the *Mantuan*, and to retire into the Country of *Trent*, so that they preserv'd nothing of the many Conquests of Prince *Eugene*, except *Mirandola*. 'Tis true, Count *Leiningen* return'd, sometime after, into *Italy*, and posted himself in the *Brescian* ; but the Diversion he gave to the *French* was not considerable enough to ease the Duke of *Savoy*, who having receiv'd no Reinforcement since the Succours brought to him by Count *Staremberg*, was reduc'd to very great Streights, by the great Superiority of the Duke de *Vendosme*. Whilst the latter, both in pursuance of his Master's Orders, and to gratify \* a private Resentment, all possible Efforts for an entire Conquest of his Royal Highness's Dominions, the Emisseries of *France* us'd all imaginable Endeavours to gain that Prince by magnificent Promises. His Royal Highness, too cunning to be decoy'd into his ruin by those glittering Baits ; and too wise to put the Fate of all his Dominions upon the dubious Issue of a Battle, resolv'd to stand upon the Defensive with his little Army, and provided all his Fortresses with good Garrisons, and all Necessaries for a vigorous Defence. The Duke of *Savoy* being advanc'd towards *Villanova*, over against *Cazal*, the Duke of *Vendosme* resolv'd to pass the *Po*, and attack that Prince ; for which purpose he went over that River the 5th of May in the Night, and the next Morning drew up his Men in order of Battle. The Duke of *Savoy* having Intelligence of the Enemies Motion, and that their Forces were much Superior, it was re-

\* The Duke of *Savoy* had formerly made some Reflections on the Duke of *Vendosme*'s Conduct, in a Letter he wrote to the French King ; which, upon his Royal Highness's declaring for the Confederates, was communicated to the Duke de *Vendosme*.



solved to retire to *Crescentino*, and accordingly the Army broke up the 6th in the Morning. His Royal Highness brought up the Rear with several Squadrons, and posted a Detachment of Grenadiers at *Balzola*, to cover the march of the Army, which encamped that Day near *Trino*. The 7th they continued their March, and General *Vaubonne*, who was in the Rear, at some distance, with 200 Horse, 8 Companies of Grenadiers, his own Regiment of Dragoons, and that of *Savoy*, discovered several Squadrons of the Enemy, who were advancing towards him, and was informed by a Prisoner that the Enemy had encamped the Night before at *Balzola*, and were marching with all possible Diligence to fall upon his Rear. Their Van-Guard appeared accordingly, and charged his Rear with so much Vigour, that our Troops gave ground. General *Vaubonne* rallied them within half a Mile of that Place, but as he was rallying a Squadron, his Horse was shot under him, whereby he was taken Prisoner. The Confederate Troops maintained a second Shock with a great deal of Bravery, notwithstanding the inequality of Number, but were obliged to retire as far as *Ramassana*, where General *Starembergh* had posted his Grenadeers, who stopt the Enemy. This giving time to the Regiment of Prince *Eugene* of *Savoy* to rally, they renewed the Fight, and repulsed the Enemy, taking a Lieutenant-Colonel, five Captains, two Lieutenants, and 30 Dragoons Prisoners. The Confederates lost on their side, a Captain of that Regiment, and 60 private Men, besides a Standard, the Dragoon, who carry'd the same, having had his Horse shot under him. Their Troops continued a considerable while near *Ramassana*, but the *French* not thinking fit to renew the attack, the whole Army marched to the Camp of *Crescentino*. His Royal Highness exposed his Person to the greatest Danger, and by his Presence encourag'd the Troops which made up the Rear, who were somewhat disheartned by the taking of General *Vaubonne*. Ever since this Rencounter the Duke of *Savoy* continued in his Camp near *Crescentino*, his Right to that Place, and the Left to the *Doria Baltea*, having a Canal in his Front, and the *Po* and *Verrue* in his Rear. The Duke of *Vendosme* made several Motions to oblige his

A. C. his Royal Highness to quit that strong Post, but not  
 1704. succeeding in that Design, he invested *Vercell*, (or  
*Vercelli*) having left strong Detachments in *Trino*,  
*Dezano*, and several other Posts to hinder the Duke of  
*Savoy* from relieving that Place. The Trenches  
 invested, were open'd the 15th of *June*, and the Garrison  
 June 5. which consisted of 6000 Men, commanded by Count  
*Preia*, who was assisted by Colonel *Dee*, an Officer  
 of great Experience, made a very resolute Defence,  
 but were at last oblig'd to beat a Parley the 20th of  
*July*. The Duke of *Vendosme*, who was well in-  
 formed of the Impossibility the Duke of *Savoy* was  
 under to relieve that Place, signify'd to the Govern-  
 or, That he had no other Terms to grant him, than  
 to surrender Prisoners of War. The Garrison shew'd  
 great Reluctance to submit to those hard Terms,  
 and alledg'd, That having so bravely defended them-  
 selves, they deserv'd a more honourable Capitulation;  
 but the Duke of *Vendosme* being inflexible, and  
 the Garrison considering that 'twas not in their  
 Power to defend a Breach, thro' which forty Men  
 could march a-Breast, they consented to be made  
 Prisoners of War, after they should have march'd  
 out thro' the Breach, with their Arms, and other  
 Marks of Honour. About a Month after, the  
 Duke of *Vendosme* invested *Ivrea*; open'd the Tren-  
 ches before it the 2d of *September*, and in sixteen  
 Days oblig'd the Garrison to send out to Capitulate.  
 The French General would not grant them any o-  
 ther Terms, than to be Prisoners of War on the  
 same Foot with the Garrison of *Vercell*, which Pro-  
 posals being rejected with scorn by the Garrison,  
 they quitted the Town the 18th in the Night, and  
 retired into the Fort with the Cannon and Ammu-  
 nition. Here they held out twelve Days longer,  
 and at \* last surrendred themselves Prisoners of War.  
 While the Duke of *Vendosme* was before *Ivrea*, the  
 Duke of *Savoy* form'd a design to retake *Vercell*,  
 which was very near succeeding. He was inform'd,  
 That one of the Breaches was not repair'd, and  
 therefore he sent in the Night, the Prince of *Lorrain*  
 with a strong Detachment to post themselves near  
 the Gates, and follow'd himself in Person with  
 Count *Staremburg*, and another Detachment. The  
 first Detachment came undiscover'd to the very  
 Gates,

The Garri-  
 son (to the  
 Number of  
 2700 Foot,  
 and 500  
 Horse) made  
 Prisoners of  
 War, July  
 24.

Ivrea Be-  
 sieg'd.

\* Sept. 30.

Design to  
 attack Ver-  
 cell mis-  
 carried.

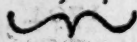


Gates, but a Centry having discover'd who they were, fired his Gun, which alarm'd the whole Garrison, who ran to their respective Posts, and so the Troops of his Royal Highness were oblig'd to return to *Crescentino*.

A. C.  
1704.

'Twas not by the Sword alone, that the French endeavour'd to divest the Duke of *Savoy* of his Territories; but they used all the Artifices imaginable to corrupt the *Vaudois* from their Allegiance to their natural Prince, and to persuade them to betake themselves to the Protection of the King of *France*, who would erect them into a free and independent Protestant Republick. To make this Chimerical Project appear the more plausible, the French Monarch wrote himself to the Magistrates of *Geneva*, to desire them, 'To send two Ministers into the Valley of *St. Martin*, to administer the Sacraments according to the Rites of the Reformed Churches, who should be maintain'd at his own Charges, till the new intended Government were better settled. A Pregnant Instance how Princes play fast and loose with Religion, since 'twas at the Instigation of this very Monarch, that the Duke of *Savoy* banish'd his Protestant Subjects about 18 Years ago! However, those of *Geneva* did not think it convenient to deny the French King's demands, and by that means those of the Valley of *St. Martin* embraced the French interest. The *Vaudois* of the Valley of *Lucern*, were not to be taken with that Bait; but defended themselves and their Prince with Sword in Hand, being supported by some standing Forces, under the Command of the Brave and Experienced Major-General *Belcastel*. On the other Hand, the Duke of *la Feuillade* having made several Motions between *Suza* and *Pignerol*, march'd with a Detachment of his Troops into the Dutchy of *Savoy*, to attack the Forces of the Duke of *Savoy*, in the Valley of *Aosta*, to cut off thereby all Communication between *Germany* and *Piedmont*, by way of *Aosta* of *Switzerland*; and either by the Treachery or Cowardise of a new rais'd Battalion of *Switzers*, made himself Master thereof without any Resistance: General *Redding*, who commanded those Troops, surrendering the strong Fort of *Bard*, wherein he pretended to make a long Resistance, a few Hours after the French had rais'd a Battery against it. The Conquest

A. C.  
1704.



Verue Be-  
sieg'd.

Exchange of  
Prisoners  
Miscarries.

quest of that Valley enabled the Duke of *Vendosme* to send a Reinforcement to the Grand Prior, and at the same time encourag'd him to lay Siege to *Verue*, which, however, was look'd upon as the boldest Enterprize that General had yet ventured upon; considering the Season of the Year, the natural and artificial Strength of the Place, and that the Duke of *Savoy*, being encamp'd just overagainst it, on the other side of the *Po*, had an Opportunity to put fresh Men into that Fortrefs, as Occasion should require: Not to mention, that in the Condition of the *French King's* Affair, after the loss of the Battle of *Bleinheim*, it appear'd very ill Policy in that Monarch, to hazard the ruining the Remainder of his best Troops. However, the Duke of *Vendosme* fondly secure of Success, pass'd the *Po* at *Trino* and *Cazal*; posted himself the 14th of *October* before *Verue*, and the same Day oblig'd some Troops of the Duke of *Savoy* to quit their Intrenchments on two Hills, within some distance of the Place; and having with great Diligence cast up several Lines to cover his Camp against the Insult of the Duke of *Savoy*, open'd the Trenches the 22d.

The Emperor, the Queen of *England*, and the States-General, having consented that the *French* Prisoners taken at *Bleinheim* should be exchanged, Man for Man, with the Troops of the Duke of *Savoy* that had been taken by the *French*, that Prince insisted that his Battalions should be restored to the same Number, as they were when they surrendred *Verceil*, &c. that is, that all his Soldiers that had been seduc'd into the Service of *France* should be commanded to return to their Colours, This was rejected by the *French* with great Scorn, and as the Duke of *Savoy* declared that he could not hearken to any Exchange, without this Preliminary, as caring very little for broken Battalions, when they had taken by Force, or debauched the best Men: The Duke of *Vendosme* fell into a great Passion, and said, 'That the King, his Master, was us'd to give Laws to other Princes, and that he would not receive any from Monsieur de *Savoy*; whereupon the Treaty broke up without any Effect.



In the mean time the Siege of *Verue* was carried on with great Vigour, and the Duke of *Vendosme* having view'd the Works the 29th of *October*, resolv'd to attack the Cover'd way of the Fort *Guerbignan*; which was done accordingly the next Day, and after a very hot Dispute that lasted above three Hours, and in which abundance of Men were killed on both sides, the *French* made a Lodgment by Sapping. Six Days † after the Duke of *Savoy* order'd his Troops to abandon the Intrenchments of *Guerbignan*; but tho', by that means, the Duke of *Vendosme* became Master of that Post without any Opposition, yet every Day he found greater Difficulties in the Siege of *Verue*, than he had either foreseen or expected; the Duke of *Savoy* going daily into that Place, giving the necessary Orders for its Defence, and relieving still the Garrison with fresh Men. But what did entirely break the Measures of the Enemy, was the vigorous Salley which the Besieg'd made the 26th of *December*, of which Monsieur *Vander Meer* gave the following Account to the States-General.

The Siege

carried on.

† Nov. 6.

Vigorous

Salley made

by the Gar-

risen of Ve-

rué.

High and Mighty Lords,

HIS Royal Highness being perfectly well inform'd of the state of the Enemies Attack, march'd the greatest part of his Foot over the Po on the 26th. in the Afternoon, and detach'd 1000 Foot under Count *Maximilian de Staremberg*, General of Battel to his Imperial Majesty, and the Baron de *St. Rhemi* a Collonel, in two Bodies, along the Vallies, to possess themselves of the Heights before *Verue*, and by this means to attack the Enemies in their Trenches. The Matter was so well concerted, and executed, that they were at one and the same time attack'd in Front, Flank and Rear, and that with so much success, that after a vigorous resistance, they were oblig'd to abandon their Trenches, and to fly the best way they could. Our Men immediately seiz'd their Batteries, burnt all that was combustible, nail'd up their Cannon that was on the Battery of the Counterscarp, and 4 Mortars; broke all their Carriages, and the Galleries of their Mines, and fill'd the Ditches with them, and as much of the Trenches as was possible to be done by 350 Men; but our Men having not

Monsieur

Vander

Meer's

Letters to

the States,

dated Tu-

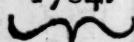
rin, Dec.

31. N. S.

at

A. C.

1704.



‘ at hand all things necessary for nailing up the  
 ‘ Pieces that are upon the remotest Batteries, They  
 ‘ satisfied themselves to endamage them as much as  
 ‘ they could, and to make them unserviceable for  
 ‘ some time. Mean while the Alarm being spread  
 ‘ thro’ the Enemies Army, the Duke of *Vendome*  
 ‘ made the Piquet advance, which was repuls’d as  
 ‘ well as his other Troops. At the same time, when  
 ‘ our Foot attack’d the Trenches, his Royal Highness  
 ‘ order’d his Horse from *Verolengo* to pass the Po  
 ‘ about *Dora*, under the Command of General *Fels*,  
 ‘ who, with 200 men, commanded by Count *Breiner*,  
 ‘ attack’d the Duke of *Vendome*’s Quarter: His ad-  
 ‘ vanc’d Guards were put to flight, and 40 men kill-  
 ‘ ed, but our Men were not able to push the Enemy  
 ‘ any further, because of an Intrenchment guarded  
 ‘ by 1000 Foot. At the same time, our ordinary  
 ‘ Horse Guards attack’d the Quarter of the *Spaniards*,  
 ‘ that we might give the Enemy a Diversion on all  
 ‘ sides: In all which we succeeded so well, that after  
 ‘ our Troops had executed what was concerted, they  
 ‘ retir’d in the Night into *Verue* and their first Quarters.

‘ We know not yet what the Enemies Loss may  
 ‘ be, but we took Prisoner M. de *la Chartogne* Lieu-  
 ‘ tenant General, who died Yesterday of his Wounds,  
 ‘ 1 Lieutenant Colonel, 2 Majors, 2 Captains of  
 ‘ Grenadiers, and 3 Officers. We know also that  
 ‘ M. d’ *Imecourt* was kill’d in the Action, with one  
 ‘ of the Principal Officers of the Artillery. On our  
 ‘ side, we have lost the Lieutenant Colonel of the  
 ‘ Regiment of *Lorrain*, the Major of the Regiment  
 ‘ of *Staremburg*, a Captain of that of *Laun*, and 2  
 ‘ *Savoyard* Captains, and the Baron de *Gorts*, and  
 ‘ *Hamilton* Adjutants General to his Imperial Majesty  
 ‘ are wounded. The number of Slain, Wounded  
 ‘ and taken on our side is about 200. This Action  
 ‘ which may be called very Glorious, has caused  
 ‘ extream Joy here, and we believe the Enemy will  
 ‘ want 15 Days to repair their Works. They be-  
 ‘ gan however to fire afresh on the 29th. from some  
 ‘ small Pieces of their Battery on the Counterscarp.  
 ‘ His Royal Highness was in *Verue* during the whole  
 ‘ Action, to give necessary Orders. M. de *Belcastel*  
 ‘ who was with him and arrived here Yesterday,  
 ‘ will



' will I suppose send your High and Mightinesses, A. C.  
' an exact Relation of all that passed, I am &c. 1704.

A Vander Meer.

So many pieces of the Enemies Cannon were made unserviceable in this memorable Sally, that they were obliged to send for some Artillery from the *Milaneze*; and their Infantry being almost ruin'd, either by the fire of the Garrison, Desertion and Mortality, the Duke of *Vendosme* had made, but little Progress in the Siege by the 28th of February, N. S. Tho' Monsieur *Lapara*, a celebrated Engineer in France, had been sent to his Assistance. Monsieur de *Chartogne* was to be Exchang'd with the Marquis de *Vaubonne*, but he died soon after the Action of the 26th of December, notwithstanding the great Care that was taken of him. His Royal Highness sent him his own Surgeons, and made him a Visit, which that General received with all possible Marks of Gratitude, and complimented that Prince, on the Glory of that Sally, telling him, 'He had learn'd from his Royal Highness, what he never knew before, that Trenches might be attack'd in the Rear. It must not be forgot, that the Duke of *Savoy*, and Count *Guido Staremberg* were both in *Verue* when the Sally began, and went into the Works of the Enemy, to observe how they were directed, and be thereby better enabled to prevent their Designs.

The Presence of King *Charles III.* in *Portugal*, had not the Influence that was generally expected. After several Councils of War held in the presence of their *Catholick* and *Portuguese* Majesties, which passed not without some Altercations, between the Duke of *Schomberg*, and the *Portuguese* Generals and Ministers; the Auxiliary Forces of *England* and *Holland*, begun to land the 16th of March, (*New Style*.) The Duke of *Schomberg* had warmly insisted, that these Auxiliaries might keep in a Body, and urg'd the inconveniencies that would result from their Separation; but the King of *Portugal* being unwilling to trust the Defence of his Frontier Towns, to his raw and undisciplin'd Troops; the *English* Infantry had their Quarters assign'd in *Olivenza*, *Elvas*, *Porta egre* and other places in the Province of *Alentejo*: and the

Affairs of Portugal.

The D. Schomberg insists against separating the Auxiliaries.

Dutch

A. C. 1704. *Dutch* were sent up the *Tajo* towards *Abrantes*. The King of *Portugal*, by his Treaties with *England* and *Holland*, had engag'd to furnish Horses to mount the Cavalry and Dragoons of those two Nations; but whilst the King of *Spain*, *Charles*, was detain'd in *Holland* and *England* by contrary Winds, the *French* Ambassador in *Portugal*, with admirable Industry, bought up the best Horses of that Kingdom; so that most of the Horses which his *Portuguese* Majesty's Officers did afterwards provide for the *English* and *Dutch* Auxiliaries, being neither of a size nor strength fit for Service, scarce one third part of the Troopers and Dragoons were mounted this Campaign. Neither was there better Provision made for Sick Soldiers, which, after so tedious a Passage, could not but be in great numbers, and of which abundance died for want of Attendance and Necessaries.

Differences  
between the  
Generals.

Another ill Omen of the Success of the Campaign on that side, were, the Differences that happen'd between the *Portuguese*, and the *English* and *Dutch* Generals. The Duke of *Schomberg*, by his Title of Captain-General of the Queen of *Great Britain*'s Forces in *Portugal*, ought certainly to have commanded, at least, all the *English* and *Dutch* Auxiliaries; and it had been no unwise Policy in the King of *Portugal*, to have made his Grace likewise Commander in Chief of all his Forces: A Post which his Grace's Father formerly held in that Kingdom with so much Applause and Success, that he wrested the Crown of *Portugal* from the *Spaniards*, and fix'd it in the Family that wears it at present. But, tho' few, if any, of the *Portuguese* Officers had Experience enough to be made Generals, yet the King of *Portugal* would not break the Establish'd Rule of that Kingdom, whereby the Governors of Provinces command in Chief all the Troops within their Districts. 'Tis true, he made the Duke of *Schomberg* Velt-Mareschal-General of the *Portuguese* Forces; but then his Conferring the same Dignity on Monsieur *Fagel*, General of the *Dutch* Forces, rather lessen'd than honour'd the Duke, and made M. *Fagel* unwilling to obey one to whose level the King of *Portugal* had rais'd him; so that there was little Concurrence of Councils and Designs, between those two Generals. To all this we may add, that a *French* Lady, married to a great Man in *Portugal*,  
was



was not a little Instrumental, in retarding the Preparations for the Campaign.

Notwithstanding all these Inconveniencies and perpetual Disgusts, the Duke of *Schomberg* resolv'd to use all possible Endeavours to carry on the Service in which he was engag'd; and being inform'd, that the Auxiliaries, which the King of *France* had sent to his Grand Son, the Titular King of *Spain*, *Philip V.* consisted for the most part of *Irish* Soldiers, his Grace thought fit to publish the following Proclamation.

The Duke of  
Schomberg's Proclamation.

Pursuant to Her Majesty's Warrant, dated the 14th of March, 1701. Authorizing and Empowering me, to publish, in the most effectual manner, Her Majesty's most Gracious intentions of Pardoning all such Her Subjects of the Kingdom of *Ireland*, and of other Parts of Her Majesty's Dominions, who being now in the Service of Her Enemies, will quit the same to come over to *Charles* the Third King of *Spain*, or any other of Her Majesty's Allies: I do hereby in her Majesty's name, Proclaim and Declare, that all such Her Majesty's Subjects, both Officers and Soldiers, who are at present in the Service of the *French* King, or of the Duke of *Anjou*, and will return to their Duty, and come over to the King of *Spain*, or any other of Her Majesty's Allies, shall have Her Majesty's most Gracious Pardon for all Crimes and Offences committed by them, in adhering to, or serving under Her Enemies, or for any Crime and Offence relating thereunto, and that such of them as are Qualified to serve in Her Majesty's Forces, shall be receiv'd and entertain'd in the same Quality as they enjoy'd in the Service they leave, and that such as by Reason of their Religion, cannot serve in Her Majesty's Forces, shall be receiv'd and entertain'd in the Service of the King of *Spain*, or of such other of Her Majesty's Allies, where they shall best like. in the same Quality, and with the same Pay as they enjoy'd under Her Majesty's Enemies. And to the end, that Her Majesty's most Gracious intentions may be the more effectual, care is taken that the Governors of the Frontier Garrisons, and that the Generals of the Forces will receive and sub-

A. C. 'fit them immediately upon their coming in, and  
 1704. 'give them all further Encouragement. Given at  
 Lisbon this Five and Twentieth of April, 1704. in  
 the Third Year of Her Majesty's Reign.

Schonberg and Leinster.

April 30.

N. S.

The Kings

of Spain

and Por-

tugal pub-

lish their

Manifesto's.

About this time the King of Spain, Charles III. and the King of Portugal, published their respective Manifesto's; the first, 'setting forth his Title to the Crown of Spain, and promising a Pardon to all such of his Subjects, as would declare for him within three Months Time; The other, 'to justify his Portuguese Majesty's taking up Arms to restore the Liberty of the Spanish Nation, oppressed by the Power of France, and to Assert the Right of his Catholic Majesty, Charles III. to that Monarchy. Their Majesties had resolv'd to set out from Lisbon the 8th of May, and reckon'd to be on the Frontiers of the Province of Aibreia, and in a readiness to enter into Spain by the middle of that Month; but their Preparations for taking the Field were so backward, that it was the beginning of June before they reach'd Santarem, where they continued the rest of the Campaign.

† Apr. 30.

N. S.

The Duke of

Anjou In-

vades Por-

tugal.

The other Titular King of Spain, or the Duke of Anjou, tho' the last in Proclaiming † War against the King of Portugal, and his Competitor, Charles III. was yet the first in maintaining his Title by his Sword; and Invaded Portugal, before his Enemies were in a condition to enter Spain, or, indeed, to oppose him. The first of May, the Duke of Anjou set out from Placentia, arriv'd at Alcantara the 5th, and the same Day went to the Camp near that Place, where, in a Council of War, he declared his Resolution to Invade Portugal the 7th. Accordingly, the Army, which consisted of about 15000 Foot, and 7000 Horse and Dragoons, having on that Day pass'd the Tagus near Alcantara; the Duke of Berwick caus'd the Town of Salvaterra to be Invested by the Count d'Aguilar, the Eldest Lieutenant General, and the next day sent a Summons to the Governor Don Diego de Fonseca, threatening to treat him and his Garrison with the utmost severity, if he refused to Surrender. Thereupon the Governor, who had with him but 4

And takes  
 several  
 Towns.

or



or 500 new rais'd Men sent out 4 Captains to treat; but the Duke of *Berwick* instead of debating Articles, made those 4 Captains Prisoners; advanced immediately with a Detachment to *Segura*, another little Town, about a League from the other and threatned to put the Governor and Garrison to the Sword, if he did not give up the Place, as the Governor of *Salvaterra* had done: For he had the four Captains his Prisoners, whom by Threats and Promises he perswaded to say, that they had opened their Gates. By this Stratagem, the Garrison of *Segura*, which consisted only of some Companies of the Militia, surrendred without much Hesitation; and then the Duke of *Berwick* returning to *Salvaterra*, so intimidated the Governor, that he delivered up the Place without making any Defence, and consented that himself and his Garrison should remain Prisoners of War. From *Salvaterra* the Spaniards advanc'd further into the Country, and without any Resistance, made themselves Masters of *Cebreros*. *Penna Garcia* endur'd some Discharges of Cannon, and then Surrendred to Count d'*Aguilar*. The Inhabitants of *Zebredo* abandon'd it at the approach of the Spanish Troops; and the Town of *Ibana la Viella*, rejecting the Summons of Don *Joseph Salazar*, and the Marquis de *Puisegur*, was Assaulted, and carried Sword in Hand. About the same time the Marquis of *Jeoffieville* having entred *Portugal* on the side of *Almeida*, put several Villages under Military Execution; and Prince *Tserclaes de Tilly* being advanced to *Aronches*, rais'd great Contributions thereabouts, whilst the Marquis de *Villadarias* penetrated into *Portugal* another Way.

These uninterrupted Successes of the Spaniards, put the Portuguese into great Consternation; and General *Fagel*, who was posted at *Castelbranco*, with four Dutch Battalions, not thinking himself safe there, retired towards *Abrantes* with two Battalions. The other two he posted at *Savreira Formosa*, where they were soon after Attack'd by ten Battalions and several Squadrons, Commanded by the Duke of *Berwick*, and after a stout resistance, most of them taken Prisoners, with Major General *Welderem*, and 35 other Officers. After this Success, the Duke of *Berwick* plunder'd several Villages and open Towns near *Castelbranco*, and having passed the *Tagus* (Oct 27.

Two Dutch  
Battalions  
taken. M. y

A. C.  
1704.

*The Garrison of Portalegre taken at Discretion.*

*Tajo*) advanced towards *Portalegre*, where he joyn'd another Body of *Spaniards*, Commanded by Prince *Tserclaes de Tilly*; and the Duke of *Anjou* being arrived in the Army, caus'd that Town to be Invested. Tho' that Place was not regularly Fortified, yet it was expected, that *Don Pedro de Figueyredo*, the Governor, having with him three good Battalions, one of which was the *English* Regiment of *Stanhope*, besides some Militia, making in all near 4000 Men, would have made a long and vigorous Defence. But the Inhabitants, who were very numerous, forc'd the Garrison to Surrender at Discretion; and themselves took an Oath of Fidelity to the Duke of *Anjou*, who from thence brought his Army before *Casteldavide*, which, tho' almost an open Town, yet refused to open the Gates; the Garrison being encouraged to defend themselves by the Resolution of the *English* Regiment of Lieutenant General *Stewart*, Commanded by Lieutenant Colonel *Hussey*.

*The Marquis das Minas's Expedition.*

By this time the two Kings were come to *Santarem*, enraged at the loss of so many Places, which they were not in a condition to prevent, and irresolute what to do, to stop the further Progress of the Enemy. After many Councils of War, it was resolved, that the Marquis *das Minas*, Governor, and General of Arms of the Province of *Beira*, should make an Irruption into *Spain*, and by that Diversion, endeavour to draw the D. of *Anjou's* Forces from before *Casteldavide*. Pursuant to his Orders, the Marquis having drawn together the Forces of his Government, and being reinforced by those of the *Traos Montes* and *Minho*, making 15000 effective Men, decamped the 2d of *June* from *Almeida* to march towards the *Tajo*, and in his way took by Storm a *Spanish* Place in *Castile*, call'd *Fuente Grinaldo*, where he found a good Booty, besides a great quantity of Ammunition and Provisions; and then continued his march to attack *Monsanto*, where in the *French* had 120 Men, who had not time to retire. He came before the place the 9th, but having received advice, that *Don Ronquillo* who had receiv'd a reinforcement of *French* Troops from the Army of the Duke of *Anjou*, was advancing to relieve the Place, he decamp'd the 11th in the morning with his Horse, and gave orders to the Foot to follow with all possible expedition, intending to attack



attack the Enemy, which he did the same day in the Evening. The Enemy, who were superior in Cavalry, attacked the Portuguese with a great deal of fury, and the left Wing gave ground, but two Battalions, who were drawn up in a convenient place, made such a discharge upon the French and Spaniards, that they were oblig'd to retire, and the Portuguese Cavalry charg'd them so briskly, that they run away in great disorder, leaving 200 Men kill'd or taken Prisoners, and among them 50 Officers. They retir'd towards the Mountains and the night coming on hindered the Pursuit of the Portuguese, but the Country People taking Arms, pursued them the next day thro' those Mountains and Defiles, killing a great number of them, without giving any quarter, and took 1800 Horses.

This Success was attended with the Surrender of *Monfanto*; but tho' the Duke of *Anjou* had sent the Duke of *Berwick* with a strong Detachment to observe the Portuguese; and it was from thence concluded, that he would give over the Attack of *Castledavide*, yet the Duke of *Berwick* finding that the Portuguese did not move forwards, return'd soon after before that Place. Colonel *Hussey* propos'd to the Portuguese to retire into the Castle, and defend the same to the last extremity. This met with some difficulties on the part of the Governour, and at last they beat a Parley the 25th, and propos'd some Articles, upon which they offer'd to surrender. The Duke of *Berwick* reject'd them, and during the Cessation of Arms, he sent an Officer to one of the Gates, Spani-  
threatning the Inhabitants to burn and plunder the Town, and even to put them to the Sword, if they suffer'd the English to retire into the Castle. These Menaces made so much impression upon them, that when Colonel *Hussey* endeavour'd to retire into the Fort, he was prevented by the Militia, who opened the Gates to the Spaniards, and so all the Garrison were made Prisoners of War. The Weather being by this Time exceedingly hot in those Parts, the Duke of *Anjou* sent his wearied Troops into Quarters of Refreshment, and return'd himself to *Madrid*. And, because he thought it impossible to preserve all his Conquests, he order'd his Men to abandon them, except *Marvan* and *Salvaterra*, and to raze the Walls of *Portalegre*, *Castledavide*, and some o-

Castledavide taken

by the

25. June

The Duke of Anjou returns to Madrid.

A. C. ther Towns. About the same time the *English Forces*  
 1704. marched from *Alentejo*, into the Province of *Beira*;  
 and the *Portuguese* and *Dutch* into Quarters of Re-  
 freshment about *Pena Major*.

June 23.  
 O. S.

The frequent ill News which came from *Portugal* to *England*, gave no small Uneasiness to her Majesty; and the D. of *Schomberg*, who bore with great impatience, that his Counsels were little, if at all, regarded, having before insinuated a desire of being recall'd, the Court judg'd the E. of *Galway* to be the fittest Person to supply his Place. That Wise and Valiant Lord, who after the loss of all his Publick Employments, was retired to a small Country Seat at *Rookley* near *Winchester*, where he thought to have pass'd the Remainder of a Laborious Life, between his Closet and his Garden, was fetch'd, in one of the Queen's Coaches, from that agreeable Retreat, to attend her Majesty at *Windsor*, where he was no sooner arriv'd, than a Noble Person of High Trust with the Queen, and one who had a great Esteem and Friendship for the Earl, imparted to him, the Honour her Majesty intend'd him. The Earl express'd his deep Sense of her Majesty's Grace and Favour; but endeavour'd to excuse himself from Accepting a Command, which, he said, was already in much better Hands; Alledging withal, That the Infirmities, which are inseparable from an Advanced Age, especially in a Person, who like himself, had spent so considerable a part of his Life in Warlike Toils, rendred him unfit for an Employment that requires a great deal of Activity. The other Lord over-ruled all this by telling the Earl, 'That, tho' Her Majesty had no Cause to find Fault with the Duke of *Schomberg's* Conduct, yet, by Reason of the Differences that had fallen out between him and the other Generals, it was to be presum'd, his Removal would not be unacceptable to the King of *Portugal*, whose Alliance was, at this juncture, to be tenderly managed. That, as to the Infirmities of Body, which the Earl alledg'd, they could not be a sufficient Excuse, since his Mind was still in its full Vigour; and that his Skill and Address in reconciling jarring Humours and Interests, would do the Common Cause more Good, than the Activity of a Brisker, if less tractable Man. When the Earl saw his Excuse would not be accepted, he then offer'd



offer'd to serve under the Duke of Schomberg. But this Modest Proposal being also kindly rejected, he was \* appointed General and Commander in chief of Her Majesty's Forces in Portugal. The Earl having represented to the Council, the necessity of Augmenting and Recruiting Her Majesty's Forces, and of making some Additions to the Train of Artillery in that Kingdom, all his Demands were readily complied with; and thereupon Orders were given for a Reinforcement of 4000 Men to be sent into Portugal, both from England and Ireland; the Dutch having at the same time agreed to send thither a proportionable number of Forces. The Earl of Galway having taken † his Leave of Her Majesty, embark'd at Portsmouth, on Board the *Tartar* Man of War, with several French Engineers and Volunteers, and in eight Days arriv'd \* safely in the River of Lisbon, where the Duke of Schomberg, who about that time came there also from *Estremos*, resign'd to him the Command of the English Forces. This change was not a little pleasing to the King of Portugal, who thereupon writ a Letter to Her Majesty of Great Britain, 'Assuring her Majesty of his firm Resolution 'to observe the Treaty of Alliance, concluded with 'her Majesty and her Allies, whatever Vicissitudes 'might happen. When Don Ludovico de Cunha, Envoy Extraordinary to the Queen from the King of Portugal, deliver'd \* this Letter, he, at the same time acquainted Her Majesty, 'That, he had express Orders from his Master, to give Her Majesty all possible Assurances, that his Master would with all Vigour pursue the Intentions of that Alliance, till the 'same were Accomplished.

About a Month after the Earl of Galway having review'd the Portuguese and Auxiliary Forces, they pass'd the little River *Coa*, and encamp'd near *Almeida*. On the 20th of September, the Kings of Spain and Portugal came to the Army, with design to invade *Castille*; but when they came to the River *Agueda*, which they intended to pass near *Ciudad Rodrigo*, they found the opposite Bank so well guarded by the Spaniards, Commanded by the Duke of Berwick, that they thought fit not to hazard the loss of their whole Army; and so retiring † further into the Territories of Portugal, they sent their Troops into Win-

A. C.  
1704.

The Earl of Galway named to Command the English Forces in Portugal.  
\* June 25.

† July 19.  
O. S.

\* July 30.

\* Aug. 20.  
O. S.

† Oct. 9.  
N. S.

A. C. ter Quarters. On the other had the *Spaniards* were so  
 1704. weakened by the Detachments sent, under the com-  
 mand of the Marquis de Villadarias, to endeavour  
 the retaking of *Gibraltar*, that they were contented  
 to defend their own Country, and had no thoughts  
 of invading *Portugal*: So that all things were quiet  
 on those Frontiers, all the remaining Part of this  
 Year.

The Siege  
 of Gibralt-  
 ar.

Sir John  
 Leake, and  
 Rear-Ad-  
 miral  
 Vander  
 Duffen,  
 sail to re-  
 lieve it.

The Confederate Garrison in *Gibraltar* being a  
 dangerous Thorn in the side of the *Spaniards*, and a  
 standing Proof of the Advantages gain'd by the Al-  
 lies in the *Mediterranean* this Summer, the Courts of  
*Versailles* and *Madrid* resolv'd to use all possible  
 means to wrest that Place out of their Hands. In  
 order to that, the Marq. de Villadarias being reinforced  
 with 4000 Soldiers from on Board the French Men  
 of War and Gallies, did formally besiege *Gibraltar*  
 the 22d of October N.S. and open'd the Trenches  
 the same Day. Upon advice of this Siege, Vice-  
 Admiral Leake, and Rear-Admiral Vander Duffen  
 held a Council of War, wherein considering that  
 the Preservation of *Gibraltar* was of the high-  
 est Importance for the common Cause in general;  
 and that *England* and *Holland* were chiefly concern'd  
 in preserving that Conquest, for maintaining the  
 Honour of their Arms, lest the French should have a  
 specious Pretence to confirm the ridiculous Report  
 they had spread every where of their Imaginary Vi-  
 ctory over the Confederate Fleet, resolv'd, that the  
 Squadron under their Command should forthwith  
 sail to relieve *Gibraltar*; which they did accordingly  
 the 5th of November, with a Squadron of 10 English  
 Men of War, which Sir George Rooke sent thither  
 after the Engagement, 3 other English, which came  
 Convoy to the Battalions of Guards, and Six  
 Dutch Ships of good Force, which were detach'd  
 before the Engagement from *Plymouth*, to Convoy the  
 Dutch Reinforcements into the River of *Lisbon*, and  
 arriv'd very seasonably, to assist in this important  
 Expedition. About a fortnight after Rear-Admiral  
 Vander-Duffen sent to *Lisbon* the following Account  
 both of their Voyage, and of the Progress the Ene-  
 my had made in the Siege.

THE



THE Confederate Fleet sail'd from the River of Lisbon the 5th of November. with so favourable a Wind, that on the 9th in the Evening we came to an Anchor in the Bay of Gibraltar, where we found a French Frigot of 42 Guns, one of 24, one of 14, a Fireship of 16, a Ship laden with Bombs and Granadoes, 2 English Prizes, and a Tartane, which upon our arrival the Enemy drew close to the Shoar, and set on fire. The English took in our way hither a French Frigot, but I do not know how many Guns she carries. The Besieg'd express'd an extraordinary Joy upon our arrival, for besides the assistance they expected from us, they have now nothing to fear from the Sea-side, and mind only to defend themselves on the side of the Land. The Besiegers continu'd furiously to batter the Place, and to work on new Batteries, and on the 11th in the Night 5 or 600 of them found means to climb up the Rocks, and by the help of Rope-Ladders, and other things, got upon the Mountain thro' a way which was thought impracticable. They were to be supported by 3000 Men, but the former being discover'd in time, the Prince of Hesse march'd against them with 500 Men, and charg'd them with so much Vigour, that above 200 were kill'd on the spot, and 190, with a Colonel, a Lieutenant-Colonel, a Major, 30 Captains, Lieutenants and Ensigns were taken Prisoners, and the rest who endeavour'd to make their Retreat by the same way they came, fell down the Rocks, so that 'tis believ'd few, if any, return'd to their Camp. The 13th Admiral Leake, and Rear Admiral Vander Dussen having receiv'd Letters from the Prince of Hesse Darmstat, whereby his Highness desired all the Assistance they could give him, they held a Council of War, where it was resolv'd to land as many Men as they could spare, for defending the outward Posts on the Sea-side to the *Nostra Signora de Europa*, and to send likewise some Men into the Town to be employ'd on the Batteries and other necessary services, which was done the 14th. The Enemy continue their Approaches, and batter the place with a great deal of Fury, and on the 18th. begun to fire from a new Battery of 14 pieces of heavy

Admiral  
Vander  
Dussen's  
Letter.

A. C.

1704.

‘ heavy Cannon so that they have now 30 on their  
 ‘ several Batteries, besides Mortars, whereby they  
 ‘ have ruin’d a great part of the Walls and Bastion,  
 ‘ and dismounted several pieces of Cannon of the  
 ‘ Besieg’d. This has oblig’d the Prince of Hesse to  
 ‘ desire a further Reinforcement from our Squadron,  
 ‘ and the Admirals have landed 300 Seamen viz. 200  
 ‘ English and 100 Dutch, who are daily employ’d  
 ‘ in demolishing some Houses, and carry the Stones  
 ‘ over against a Courtine, which comes from the  
 ‘ Cover’d Way to the Gate, which the Engineers  
 ‘ design to make as strong as possible, and plant  
 ‘ several pieces of Cannon thereon. They hope  
 ‘ this Work will be ready in 8 days, and mean time  
 ‘ they undermine the old Bastion and Courtine, so  
 ‘ that if the Enemy storm and possess it, they will  
 ‘ be in danger of being blown up, and then they  
 ‘ will have this new Work to attack. Those who  
 ‘ have seen the Breach assure me, that the Enemy  
 ‘ must spend some days before they can be ready for  
 ‘ the Storm, so that we hope the Succours from Por-  
 ‘ tugal, which the Prince of Hesse has so earnestly de-  
 ‘ sir’d in his Letter of the 16th Instant, sent by a Ship  
 ‘ to Lagos, will arrive time enough to preserve this  
 ‘ important Place. If the Enemy make any Attempt  
 ‘ before, the Besieg’d may depend upon all possible  
 ‘ Assistance from the Men of War; and such mea-  
 ‘ sures are taken, that we may on a sudden man our  
 ‘ Boats, and considerably annoy the Enemy in case  
 ‘ of an Attack. The Garrison does not want Pro-  
 ‘ vision or Ammunition, but Men, Bombardeers, Gun-  
 ‘ ners, Carpenters, &c. They have lost several brave  
 ‘ Officers, and amongst them the *Sieur Nugent Conde*  
 ‘ *de Val de Soto*, Deputy Governor, and the English  
 ‘ Brigadeer *Fox*. Our arrival was very seasonable, for  
 ‘ that very night the Enemy had design’d to attack  
 ‘ the Town in several Places, and had got a great many  
 ‘ Boats to attack it on the side of the new Mole, by  
 ‘ which the Confederate Fleet attack’d it last Summer.

Sign’d P. V. Dussen.

*From on Board the Ship Veluwe, in the  
 Bay of Gibraltar, November 21. 1704.*

The King of Portugal, and the Foreign Ministers  
 and Generals, having at the same time, received  
 other Letters from the Prince of Hesse Darmstadt, and  
 Sir

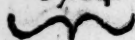


Sir John Leake, which made them conclude, ' that the Place could not hold out without being reliev'd; a Council of War was held immediately after the arrival of these Letters, wherein it was unanimously resolv'd, that the Preservation of *Gibraltar* being of the highest importance, all possible means were to be used to oblige the Enemy to raise that Siege; and that in order thereunto the Battalion of *English* Guards lately arriv'd from *England*, the *English* Regiment of *Barrimore*, the *Dutch* Battalion of *Waes*, likewise newly arriv'd from *Holland*, and a *Portuguese* Regiment from *Algarva*, the best of that Country, should be immediately embark'd for *Gibraltar*. This Resolution being taken, orders were given to get Transport-ships ready, which was done with extraordinary expedition; and in the mean time the Earl of *Galloway* having advice, that the Garrison wanted able Officers, several having been kill'd during the Siege, his Excellency sent before Coll. *Lundy*, Lieutenant Coll. *Ricutore* and Lieutenant Coll. *Darcourt*, to serve in that Siege, and acquaint the Prince of *Hesse* with the Succours design'd for him.

On the other hand, the *Spaniards* and *French* continued the Siege with the utmost Obstinacy, notwithstanding the Rigour of the Winter Season, and the vigorous defence of the Garrison. But tho' they had made wide Breaches in several Places, yet they never durst assault any of the Works; which gave time to the brave, active and vigilant Prince of *Hesse Darmstad* to cast up several Intrenchments behind those Breaches, and to make Mines under the Counterscarp. The 30th of November Vice Admiral *Leake*, and Rear-Admiral *Vander Dussen*, having received advice of the Preparations of the Enemy at *Cadiz*, held a Council of War, wherein it was proposed, whether the Confederate Fleet should remove from the place where they Anchored, to the other side the Bay over against the Town. There were strong reasons for continuing in the same station, not only because the Fleet lay very conveniently for assisting the Garrison in case of an Attack, but also because they were covered from the East Wind, which is very stormy in these Parts, but it being alledg'd, on the other side, that if the *French* came out, they might, by favour of a Westerly Wind, send

A. C.

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send in their Fireships upon the Confederate Fleet, and have the Weather-Gage in attacking of them; it was resolv'd to remove to the other side the Bay, to avoid the Enemies Fireships, and have the Wind of them in case they attempted to come into the Bay. The motion of the Confederate Fleet caused a great confusion in the Camp of the Enemy, who fearing they were about to Land some Men, sent their Cavalry to the Sea-shoar to oppose it. This gave an Opportunity to the Frigats to salute them with several Broadfides which kill'd a great many Men, Admiral Leake having wisely observ'd this confusion, sent the 1st of December N. S. several Long-Boats towards the Shoar; whereupon the *Spanish* Cavalry drew up again the same way, and were considerably annoy'd by the Seamen, and the Cannon of the nearest Frigats. The *Centurion* came in the 3d. from Cruizing, and brought in with her a *French* Prize of 28 Guns, richly laden with Sugar and Indico from *Martinico*. The Captain reported, that he went in as far as he could into the Bay of *Cadix*, and observed that the Enemy were fitting out their Men of War with all possible expedition, and that 15 Ships had already their Masts and Yards up.

Dec. 14.

Not many days after, the Three before mention'd Officers, dispatch'd by the Earl of *Gallway* † arrived at *Gibraltar*, having narrowly miss'd being taken by a *French* Privateer, who pursued them to the Mouth of that Bay; and as They declar'd at their landing that the Succours might be expected in 2 or 3 days, they were receiv'd with great Huzza's, which caus'd some commotions in the Camp of the Enemy. They immediately deliver'd Letters from the King of *Portugal*, my Lord Ambassador *Methuen* and my Lord *Gallway*, to the Prince of *Hesse Darmstat*, who caus'd the same to be read publicly before the Officers and Soldiers, which prov'd such an Encouragement, that many, who were almost disheartn'd by their great Fatigues, recover'd in some measure their strength, and did the service as before. A Signal was made for the Squadron under Sir *John Leake*, who having receiv'd advice, that Monsieur de *Pointi* was coming out of *Cadix*, had thought fit to leave the



the Bay, and stand to the Eastward in sight of Gibraltar that he might be enabl'd to take such measures as should be thought necessary. A Felucca was also dispatch'd to the Admiral with Letters from my Lord Ambassador *Methuen*, importing, that the Succours being ready to sail from the River of *Lisbon*, it was necessary he should come back towards *Lagos* to receive them. The Admiral having receiv'd that advice, made all possible Efforts to repass the Streights; but a strong Westerly Wind prevented it. Mean time, the Prince of *Hesse* redoubled his diligence for preventing the designs of the Enemy, and spent all the Days in the Works, and most part of the Nights in the Cover'd Way: This example had so good an effect, that the Garrison did more than could be humanely expected, and the *English* Marines gain'd an immortal honour. The Enemy continu'd to fire briskly on them from their great Battery; which dismounted above 40 pieces of the Garrison's Cannon, ruin'd the Parapet of the Courtine, and the face of the Bastion of the Sea, and that of the Bastion of the Mountain. They made a Breach in the former, and likewise in the Courtine, which they might have mounted by favour of the Stones and other Rubbish beat down by their Cannon, had not the Garrison been very careful to carry off the same. These Materials were very useful to make a Work in the Ditch for the better defence of the Foot of the Breach, which was yet about 8 foot high, of a very good solid Work, which the Cannon of the Enemy could not reach. The besieg'd had besides a double row of strong Pallisadoes, in the middle of the Ditch, parallel to the Courtine, and before the same had made a sort of a Ditch which was fill'd by the Tide, and wherein they kept the Water. All these Works could not be batter'd by the Cannon of the Enemy, till they had lodg'd themselves on the Cover'd Way, but there was a great Mine ready consisting of 4 large Chambers, which extended to the Right and Left of the Glacis, and were divided into several Branches which came from the Grand Gallery leading to the Ditch: Which Mine could not have fail'd of having done great Execution, had the Enemy attempted to lodge themselves on the Cover'd Way.

Extraordi-  
nary Dili-  
gence  
Activity  
and Vigi-  
lance of the  
Prince of  
Hesse  
Darmstad.

But

A. C.  
1704

But because they seem'd to have alter'd their design, and threatned to attack a long Line which the Besieg'd had on the Declivity of the Rock, on their Right, the Prince of Hesse caus'd four small Intrenchments to be made at the end of it, with three Batteries of two pieces of Cannon each, which flank'd the Avenues of the Glacis, and overlook'd the advanc'd Works of the Enemy.

Gibraltar On the 18th of December (N. S.) when the Garrison despair'd almost of any Assistance, the *Antelope* second time, with 9 Transport Ships came into the Bay of Gibraltar, and were followed by the *Newcastle* with seven

Transports more the 20th, having the so long expected Succours on Board; except some few Companies: They sail'd from *Lisbon* the 10th of that Month, to the Number of 20 Transport Ships, under Convoy of four *English* Frigots, viz. the *Antelope*, *Newcastle*, *Greenwich* and *Roebuck*, and thought themselves safe

\* Dec. 17. when they discover'd \* off of *Cape Spartel* 22 Men of War with *English* and *Dutch* Colours, which they judg'd to be Vice-Admiral *Leake*, and Rear Admiral *Vander Dussen*, whom they expected to meet thereabouts. Upon this Supposition they kept their Course in order to join them, but by good Fortune they were becalm'd. They put their Boats to Sea on both sides to tow the Ships; but the *English* observing that the Men of War stretch'd themselves, and endeavour'd to make a half Moon to surround them, they made a private Signal, which Sir *John Leake* would have understood. This spoil'd the measures of the *French*, who were thereby discover'd, and put up their Colours, and endeavour'd to fall upon the Transports; but they got off by means of their Oars, and the Night coming on, they got away by favour of a small Breeze from the South West. Of the four Transport Ships that were missing, one only was taken by the Enemy, and carried into *Cadiz*; and the other three return'd to *Lisbon*, as did also the *Greenwich* and *Roebuck*. Notwithstanding this unhappy Accident, the besieged receiv'd a Reinforcement of 1970 Men; amongst whom was the Battalion of *English* Guards lately sent into *Portugal*.

A Plot discover'd in Gibraltar These Succours came very seasonably; for some Seditious Persons were about this time set at work, by the Marquis de *Villadarias*, to discourage the Garrison.



rison; and a mutinous Petition was already framing to have press'd the Prince of Hesse to surrender; which being timely discover'd, his Highness order'd a Spanish Collonel, and a Walloon, with an English Major, and some other Conspirators, to be secured, together with a Priest, who carried on their Correspondence with the Spanish Camp. Moreover, to let the Enemy know how little they were to depend on the Treachery of the Garrison, his Highness made a vigorous Sally two Days after the arrival of the last Transports; level'd the Enemies Lines which were within 160 Pages of the Pallisadoes, and burnt their Fascines and Gabions, with inconsiderable loss. This successful Sally, together with the Discovery of the late Conspiracy, did entirely break the Measures of the Enemy, who attempted nothing considerable till the 22d. of January, (O. S.) when having receiv'd a Reinforcement of about 1000 French Forces, they made an attack with 50 Grenadiers upon the *Rondella*, or Round Tower, with intent, as was judg'd by the smallness of their Number, to try only how practicable it was to mount the Breach, in order to the Attack which they made afterwards on the 27th. They got up with Hooks in one Hand, and their Swords in the other; but two of their Officers, and some Soldiers being killed, the rest retreated to their nearest Trenches. In the Afternoon it began to rain very hard, and continued to do so all that Night, and the Day following, which fill'd the Enemy's Trenches with Water. The 24th a Vessel arriv'd at Gibraltar from Barcelona, with divers *Miquelets* and *Catalans* on Board, who came to enter themselves into his Catholick Majesty's Service. The 27th by break of Day the Enemy made an attack with 5 or 600 Granadeers, French and Walloons, all chosen Men. They were to be supported by 1000 Spaniards; and the attack was commanded by Lieutenant General *Tuy*, who came with the Enemy's last Reinforcement. Three hundred were to storm the Breach above the Round Tower; and the Remainder, the Tower it self. There is a work that covers all the Breach made by Captain *Bennet*; and a Piece of the old Wall is yet standing, which joins to the Rock above the Breach: Both these Posts were guarded at Night by a Captain, 3

† Dec 23.

The Prince

of Hesse

makes a

vigorous

Sally.

The French

and Spani-

ards make

a brisk At-

tack upon

Gibraltar,

but are vi-

gorously re-

puls'd, Jan.

27. O. S.

Subal-

## The ANNALS of

Subalterns, and 90 Men; but at break of Day (as is usual in Garrisons where the Duty is hard) the Captain with 60 Men drew off the Hill, and staid in the Round Tower all Day, to relieve the Officer and Soldiers that remain'd above at the Breach. The Round Tower was guarded by 180 Men, commanded by a Lieutenant-Colonel, and other Officers. The Enemy having by some Deserters got Intelligence of this Disposition, mounted the Hill with great Silence, and lay concealed in the Cliffs, and hollow Ground, till such time as the Captain with his Party was drawn off; then they got at the Point of the Wall, and throwing Granadoes down on the Lieutenant and his Party, obliged them to quit their Post. At the same time 200 Grenadeers stormed the Round Tower, where Colonel *Borr* made a very good Defence, tho' the Enemy got above the Breach, and threw great Stones and Granadoes upon his Men: But those who had got in at the Wall marching down to cut off his Retreat into the Town, obliged him and his Men to get over the Parapet of the Line, and to retire into the Cover'd-way, where the *English* Guards were posted. The Enemy gained two *Coupures*, and were to have lodged themselves between the Round Tower, and the next *Coupure* to it, but pusht forwards towards the Gate that leads into the Line of Communication to the Tower. The Alarm being by this time got through the whole Garrison, all the Officers and Soldiers ran to their respective Posts. Captain *Fisher* of the Marines charged the foremost of the Enemy with seventeen Men; but his small Party was soon routed, and himself taken Prisoner. Colonel *Moncall*, Major of my Lord *Barrymore's* Regiment, with some other Officers, having soon after got together a Body of 4 or 500 Men, marched into the Line that goes into the Round Tower, and charged the Enemy so vigorously with Sword in Hand, that he drove them from place to place quite out of the Round Tower, and re-took that Post after it had been an hour in their Hands; and Captain *Fisher* was re-taken. Colonel *Rivett* of the Guards, having got up the Rock on the Right of the Covered-way with 20 Grenadeers, favoured very much Colonel *Moncall's* Success. The whole Garrison being by this time got together, made so

furious



furious a Fire, that the Enemy was at last obliged to retire in great Confusion. A Captain of Grenadeers, 4 Lieutenants, and 40 of their Men were taken Prisoners; and about 70 were killed on the Spot, above half of them Officers; and above 200 were wounded. The Enemy acknowledged that they suffered most in Officers; and that it fell very heavy upon those 18 Companies of Grenadeers that lately came from *Galiccia*. They beat a Parley about Noon, and desired leave to carry away their Dead; which was granted. The Confederates had in this Action about 27 Men killed, and 120 wounded; and Captain *Fisher* was a second time taken Prisoner.

This Repulse occasion'd great Divisions among the Besiegers: The *French* laying the blame of it on the General, who had not given Orders to support them; and the *Spaniards* charging the *French* themselves, who, thro' want of Courage, had quitted their Post. These Animosities encreas'd considerably the Day after, by the arrival of the *Mareschal de Theffé* in the Camp; for his Countrymen being assured, that he would countenance them, began to be very Insolent. The *Marquis de Villadarias* had doubtless receiv'd Intelligence from *Madrid*, that that General was made Generalissimo of all the *French* and *Spanish* Forces; but the *Mareschal de Theffé* having not given him any notice of his Dignity, the disgusted *Spaniard* affected to know nothing of it, that he might have an opportunity to do Justice to himself, and put an Affront upon his Rival. He told his Officers, that *Monsieur le Mareschal* was coming to see the Army *incognito*, and went with them to meet him; but did not command the Troops to draw up in Battalia to receive him as their General. *Mareschal de Theffé* appear'd displeas'd at it, and shew'd *Villadarias* his Commission, to take upon himself the command of the Army, which the other immediately resign'd, and quitted the Camp with the Duke of *Ossuna*, the *Conde d'Aguilar*, and several other *Spanish* Gentlemen, who had accompanied him as Volunteers; and sent an Account of his Proceedings to the King of *France*, desiring him to take Cognizance of this Affair, and to do him Justice. That Monarch was very un-

M

easy

A. C. easy upon Reading the Marquis de Villadarias's Letter, and sent the following Answer to that General,  
 1704. *Cousin*, I send an Officer to *Spain* to remove your  
 The French 'Difficulties, but I have left the Decision of this  
 King's Let- 'Affair to the King, my Grandson. I don't question  
 ter to the 'but he will do Justice to your Merit, and have just  
 Marquis de 'Regard to your Services to *Spain*. In the mean  
 Villada- time the Marechal de *Theſſé* continued the Siege of  
 rias, dated *Gibraltar*, tho' with no greater probability of Success  
 March 14. than *Villadarias* had before.  
 N. S.

The next Day after the Besiegers had been so vigorously beaten off, the Prince of *Hesse Darmstadt* being upon the new Battery with several Officers, Colonel *Moncal*, a *French* Refugee, who was with his Highness, and, who by his Courage and Conduct had so much contributed to the regaining the Posts of which the Enemy had possess'd themselves, had the misfortune to lose a Leg by a Cannon Shot, which kill'd a *Spanish* Officer, and wounded five other Persons. The 29th of *January* (O. S.) the *Tartar* Pink, and the *Newport* came into the Bay of *Gibraltar* with Supplies from *Lisbon*; as did a Week † after the *Leopard* and *Roebuck*, having on Board 6 Companies of the *Dutch* Battalions, which were wanting, and about 200 *English* Soldiers belonging to the Guards, and other *English* Troops, with several Necessaries for the Garrison. The 7th of *February*, the *Tyger*, with a Transport Ship, arrived there also from *Lisbon*, having on Board another supply of Men and Ammunition; and the next Day a Captain came from the Enemy, with a Flag of Truce, to agree upon the Exchange of Prisoners. Some Days before the Prince of *Hesse* caused Colonel *Gonzalez*, a *Spaniard*, to be shot to Death, for Corresponding with the Enemy; and one *Hopper*, and one *Brown*, the first a Lawyer, the other a Merchant, to be put out of the Town with Halts about their Necks, for being Accomplices in the same Crime. On the 15th of *February*, O. S. 14 Men of War, and 2 Fireships, and cast Anchor before *Gibraltar*; advice whereof being 2 days after brought to *Lisbon*, immediate Orders were given for the fitting out of the Fleet, and for the *Portuguese* Regiment of *Algarve*, consisting of 1000 Men, the *English* Regiment of *Montjoy*, and

† Feb. 5.  
O. S.



and a Dutch Batallion, to go on Board that Fleet, which being Reinforc'd by the Squadron under the Command of Sir Thomas Dilks, sail'd out of the River of Lisbon the 17th of March (N. S.) consisting of 23 English, 4 Dutch, and 8 Portuguese Men of War, Commanded by Sir John Leake. Whatever may be the Issue of the Siege of Gibraltar, I shall close the Account of what is already come to our Knowledge concerning it, by doing Justice to the Brave, Experienc'd, Skillful and Vigilant Prince of Hesse Darmstadt, who was the Soul of that Garrison, and who scarce ever allow'd himself Two Hours of continued Rest, either by Day or Night; Discharging at once the different Parts of General, Soldier, Engineer, Gunner, Carpenter and Pioneer, which was a mighty Encouragement to the Officers and Soldiers to do their respective Duties, and giving them a constant Example of Sobriety, Temperance, and Patience, which could not but encline 'em to bear without murmuring the Wants, Hardships and Fatigues which are inseparable from a long Siege. Neither must we pass over in Silence the extraordinary Zeal of Colonel Borr, who, on all occasions, shew'd himself ready to ease the Prince as much as possible, and to execute his Orders with the utmost Activity, and distinguish'd Courage: To reward which, her Majesty bestow'd on him the Regiment vacant by the Death of Colonel Fox, of which Mr. Borr was before but Lieutenant Colonel. The Bravery and Vigour of all the other English Officers, Volunteers and Soldiers deserve also to be particularly remembered.

A. C.  
1704.

And of Col-  
lonel Borr,  
and other  
English  
Officers and  
Soldiers.

Having taken a Prospect of the Affairs Abroad, so far as they have any Relation to the Grand Alliance, let us now return into England, where we shall find, that whilst all the Corporations throughout the Kingdom presented their dutiful Congratulatory Addresses to the Queen, the Commissioners of the Scotch Parliament attended her Majesty with an Address of another nature, and which was as follows,

Address of  
the Scotch  
Parliament  
presented to

May it please Your Majesty,  
WE your Majesty's Dutiful and Loyal Subjects, the Noblemen, Barons and Burgesse assembled in Parliament, humbly represent to your Ma-

the Queen  
at Wind-  
for Sept.  
jesty the 24th.

## The ANNALS of

‘ jeſty our great Diſappointment in not having the  
 ‘ Original Papers, concerning what was called in  
 ‘ *England* by the Houſe of Peers, the *Scotch* Conſpi-  
 ‘ racy, laid before us, and the Perſons who were Ex-  
 ‘ amin’d in that matter ſent hither, for which there  
 ‘ was Application made in the beginning of this  
 ‘ Sefſions.

‘ We therefore humbly lay before your Maſteſty  
 ‘ the concern of the whole Nation in this Affair, in  
 ‘ which the Intermedling of the Houſe of Lords ha-  
 ‘ ving been declared in a Reſolve in this Sefſions to be  
 ‘ an Incroachment on the Independency of this Na-  
 ‘ tion, and your Maſteſty’s Prerogative, as Queen of  
 ‘ *Scotland*, that you will, in your Maſteſty’s great Wiſ-  
 ‘ dom, take ſuch Meaſures as may effectually prevent  
 ‘ all ſuch Medling for the future.

‘ We do alſo take leave to offer to your Maſteſty  
 ‘ our Opinion, that nothing can obſtruct more our  
 ‘ coming into the Meaſures that have been Recom-  
 ‘ mended by your Maſteſty, in Relation to the *Succeſſion*,  
 ‘ than the Houſe of Lords Proceedings, to make  
 ‘ any more Encroachments of that nature. And we  
 ‘ do humbly Intreat your Maſteſty, that all the Per-  
 ‘ ſons and Papers relating to that Affair, that have been  
 ‘ Examined in *England*, may be ſent hither at the  
 ‘ Meeting of the next Sefſions of Parliament, that  
 ‘ the Matter may be Examined to the bottom, and  
 ‘ thoſe that are unjuſtly Accuſ’d, may have Right  
 ‘ done them, and thoſe who are Guilty, be puniſh’d  
 ‘ according to their Demerits.

On the 29th of *September* the Common-Hall of  
 the City of *London* proceeded to the Election of a  
 Lord Mayor, and having returned Sir *Thomas Cook*,  
 and Sir *Owen Buckingham*, to the Court of Aldermen,  
 they unanimouſly made choice of Sir *Thomas Cook*:  
 But the latter, five days after, deſiring to be excuſed,  
 as being, thro’ his Indispoſition, diſabled from hold-  
 ing the ſaid Office, the Common Council conſented  
 thereto, and did accordingly diſcharge him from  
 that Election. Two days \* after, the Common  
 Hall met, in order to proceed to a new Choice, and  
 returned Sir *Owen Buckingham*, and Sir *Thomas Ran-*  
*linſon*, to the Court of Lord Mayor and Aldermen,  
 who Elected Sir *Owen Buckingham* to be Lord Mayor  
 for the Year Enſuing.

Tir Tho.  
 Cook be-  
 ing Elected  
 Lord Mayor  
 declines  
 that Office,  
 which is be-  
 ſtowed on  
 Sir Owen  
 Buckin-  
 gham.

Oct. 6th.



On the 9th of the same Month Sir Cloudesley Shovel, and several of his Captains, went to Windsor to wait upon her Majesty and his Royal Highness, by whom they were graciously receiv'd; and her Majesty was pleas'd to confer the Honour of Knighthood upon Captain John Jennings, Commander of her Majesty's Ship the *St. George*, for his Signal Service in the late Sea Fight in the *Mediterranean*. The Queen did not long after confer the same Honour on George Bing, Esq. Rear-Admiral of the Red Squadron, and on Thomas Dilks, Esq. Rear-Admiral of the White Squadron of her Majesty's Fleet.

Several  
Sea Com-  
manders  
Knights.

On the 24th of October the Parliament met at Westminster, according to their last Prorogation; and the Queen being come to the House of Peers, and the House of Commons sent for to attend Her there, her Majesty made the following Speech to both Houses.

The Parlia-  
ment meets  
Octo. 24.

My Lords and Gentlemen,

THE Great and Remarkable Success with which God hath Blessed our Arms in this Summer, has stir'd up our good Subjects in all Parts of the Kingdom, to Express their Unanimous Joy and Satisfaction; and I assure my Self you are all come Disposed to do every thing that is necessary for the Effectual Prosecution of the War, nothing being more Obvious, than that a timely Improvement of our present Advantages will Enable Us to procure a lasting Foundation of Security for England, and a firm support for the Liberty of Europe. This is my Aim; I have no Interest, nor never will have, but to Promote the Good and Happiness of all my Subjects.

The Queen's  
Speech to  
both Houses.

Gentlemen of the House of Commons,

I must desire such Supplies of you, as may be Requisite for Carrying on the next Year's Service, both by Sea and Land, and for punctually Performing our Treaties with all our Allies; the rather, for that some of them have just Pretensions depending ever since the last War, and I need not put you in mind of what Importance it is to preserve the Publick Credit, both Abroad and at Home.

I believe you will find some Charges Necessary next Year, which were not mention'd in the last Sessions, and some Extraordinary Expences incurred since, which were not then Provided for.

150

A. C.

1704.

## The ANNALS of

I assure you that all the Supplies you give, with what I am able to spare from my own Expences, shall be carefully applied to the best Advantage for the Publick Service; and I earnestly Recommend to you a Speedy Dispatch, as that which, under the good Providence of God, we must chiefly Depend upon to Disappoint the Earliest Designs of our Enemies.

My Lords and Gentlemen,

I cannot but tell you how Essential it is for attaining these Great Ends Abroad, of which we have so hopeful a Prospect, that we should be entirely United at Home.

It is plain our Enemies have no Encouragement left, but what arises from their Hopes of our Divisions; 'Tis therefore your concern not to give the least Countenance to those Hopes.

My Inclinations are to be Kind and Indulgent to you all; I Hope you will do nothing to Endanger the loss of this Opportunity, which God has put into our Hands, of securing our Selves and all Europe, and that there will be no Contention among you, but who shall most Promote the Publick Welfare.

Such a Temper as this, in all your Proceedings, cannot fail of securing your Reputation, both at Home and Abroad.

This would make me a happy Queen, whose utmost Endeavours shall never be wanting to make you a Happy and Flourishing People.

† Oa. 25. The next † Day both Houses presented severally their Congratulatory Addresses to her Majesty; That of the Lords was as follows:

The Lord's  
Address.

WE Your Majesties most Dutiful and Loyal Subjects, the Lords Spiritual and Temporal in Parliament Assembled, Beg Leave to Return Our Humble and Hearty Thanks to Your Majesty for Your most Gracious Speech to Your Parliament. The Kindness and Indulgence Your Majesty hath Express'd for all Your Subjects; Your Care to Create a perfect Union amongst Us by Forwarning Us of the Mischiefs of Division; Your Goodness in Declaring Your Own Happiness to Depend on that of Your People; Your Desire to See that Happiness Settled upon a Lasting Foundation; Your Strict Regard to Treaties Your Justice



Justice to Publick Engagements Abroad, as well  
as at Home, and Your Noble Concern for the  
Support of the Liberty of *Europe*; Comprehend  
all the Royal Qualities that can be Desired in a  
Sovereign; and when they are all so manifestly  
United in Your Royal Person, We, and the whole  
Nation, should be Inexcusable to God, and to the  
World, to this Age, and to Posterity, if We should  
not endeavour effectually to Accomplish all those  
Great and Excellent Designs which Your Majesty  
hath so Wisely and Graciously Recommended.

We for Our Selves faithfully Assure Your Ma-  
jesty, That We will do all in Our Power to bring  
this Session to a Happy and Speedy Conclusion,  
and to Improve to the Utmost the Blessed Oppor-  
tunity which God hath put into Your Hands.

Upon this Occasion of Approaching Your Ma-  
jesty, We Desire Humbly to Congratulate the  
Great and Glorious Success of Your Majesties  
Arms, in Conjunction with those of Your Allies,  
under the Command of the Duke of *Marlborough*.  
We can never enough Admire Your Wisdom and  
Courage in Sending that Seasonable and Necessary  
Assistance to the Empire; And We cannot too  
much Commend the Secrecy, Dispatch, and Bra-  
very, with which Your Orders were Executed.

What Remains for Us to do, Is to beseech God,  
That the like Success may Attend Your Majesties  
Arms, till You See the Protestant Religion, and  
the Liberty of *Europe* Settled upon a Firm and  
Lasting Foundation, and that your Majesty may  
Live many Years to have the Pleasure and Glory of  
Beholding these Parts of the World Happy, in the  
Enjoyment of those Blessings which your Majesty  
shall have procured for them.

Her Majesty's Answer to this Address, was :

My LORDS,

I Am very Sensible of the Great Duty and Affection  
which you have Express'd in the several Particulars of  
this Address.

I Return you my hearty Thanks for your Congratulation  
of our Great Success, and for the Assurances of your Rea-  
diness to Concur in Prosecuting it Effectually.

The Address of the House of Commons, was to this Effect :

The Commons Address.

Most Gracious Sovereign,

WE Your Majesty's most Dutiful and Loyal Subjects, the Knights, Citizens and Burgeses in Parliament Assembled, do beg Leave to return Your Majesty our most humble and hearty Thanks for Your Majesty's most Gracious Speech from the Throne; and to Congratulate Your Majesty upon the great and glorious Successes, with which it hath pleased God to bless Your Majesty, in the entire Defeat of the united Force of *France* and *Bavaria*, by the Arms of Your Majesty and Your Allies, under the Command, and by the Courage and Conduct of the Duke of *Marlborough*; and in the Victory obtain'd by Your Majesty's Fleet, under the Command, and by the Courage and Conduct of Sir *George Rooke*.

Your Majesty can never be disappointed in Your Expectation from us, Your Faithful Commons, who all come disposed to do every thing that is necessary for the effectual Prosecution of the War; and therefore Your Majesty may depend on our Providing such Supplies, and giving such speedy Dispatch to the publick Business, as may enable Your Majesty to pursue these Advantages so happily obtained over the common Enemy; which we can never doubt but Your Majesty's Wisdom will improve to the procuring a lasting Security for *England*, and a firm Support for the Liberty of *Europe*.

We are truly sensible, That nothing can be more Essential for the Attaining these great Ends, than to be entirely United at Home. We shall therefore use our utmost Endeavours, by all proper Methods, to prevent all Divisions among us; and will have no Contention, but who shall most promote and establish the Publick Welfare both in Church and State: Thus Your Majesty's Reign will be made happy, and Your Memory blessed to all Posterity.

Oct. 25. The Commons having, in a Body presented their Address to her Majesty, the Queen told them, 'Gentle Answer.



'tlemen, I return you many Thanks for this Address, and the Assurances you give Me of dispatching the Supplies, and Avoiding all Divisions; both which, as they are extremely acceptable to Me, so they shall be Advantageous to Your Selves, and Beneficial to the Publick.

The Lords Address was universally applauded; but Abundance of People took Exceptions at that of the House of Commons, particularly to that part of it, wherein they made use of the same Terms of *Courage and Conduct* to commend the Victories of the Duke of Marlborough, and the Advantages gain'd by Sir George Rooke; as if they meant to bring down the matchless Performances of the first, to the same Level with the Actions of the latter; which could not but be highly derogatory to his Grace's Glory. It was also taken notice of, that the Promise the Commons made to the Queen, 'That they would endeavour to prevent all Divisions; was, in a manner, restrain'd by the Addition of *Using all proper Methods* for that end, which many look to be Ominous.

About a Week after, the House of Commons having \* taken the Services of the Army and Navy into Consideration, passed an unanimous Vote, 'That her Majesty be desired to bestow Her Bounty upon the Sea-men and Land Forces, who had behaved themselves so Gallantly in the late Actions both by Sea and Land. And having presented an Address to the Queen to that purpose, Her Majesty gave Answer, 'That she was always so desirous to give Encouragement to those who did great Services to the Publick, that She could not but be well pleased with the notice they had taken of them in their Address; and that Her Majesty would take Care to give Directions accordingly. This done, the Commons went Unanimously and Cheerfully upon the Supply, and having examin'd the several Accounts and Estimates relating to the Navy and Land Forces for the year 1705. Resolv'd, 1. † 'That 40000 Sea-men be employed in the Sea Service, for the Year 1705. including 8000 Marines; and that the Sum of Four Pounds a Man *per Mensen*, be allowed for maintaining the said 40000 Men for 12 Months, including the Ordnance for Sea Service. 2. \* That 100000<sup>l</sup>. be allowed for the Ordinary of the Navy, for

Nov. 2.

The Commons desire the

Queen to

bestow her

Bounty on

the Sea

and Land

Forces.

Votes of the

Commons

about the

Supply.

† Nov. 7.

2230000<sup>l</sup>.

granted for

the Navy.

\* Nov. 9

the

A. C.

1704.

† Nov. 11.  
2420488l.  
granted for  
the Land  
Forces, Sub-  
sidies, &c.

the year 1705. As also 40000 *l.* to the Office of Ordnance, for the supply of Ordnance Stores for the Sea-Service, over and above their proportion of the 4 *l.* per Month, for maintaining 40000 Men; and that 10000 *l.* be also allowed to the said Office, towards making a Wharf and Storehouse at Portsmouth. 3. † That the 40000 Men which were rais'd to act in Conjunction with the Forces of Her Majesty's Allies be continued for the Year 1705. and that a Sum not exceeding 885193 *l.* 3 *s.* 6 *d.* be granted to Her Majesty, for maintaining them for that Year. That the Additional Forces of 10000 Men be continued for the Year 1705. and that 177511 *l.* 3 *s.* 6 *d.* be granted for maintaining them for that Year. That Her Majesty's Proportion of Land Forces, to act in Conjunction with the Forces of the King of Portugal for the Year 1705. be 10200 Men, and that 222379 *l.* 5 *s.* 10 *d.* be granted for maintaining them that Year. That 370119 *l.* 1 *s.* 0 *d.* be granted for Payment of Her Majesty's Proportion of the Subsidies to Her Allies for the Year 1705. That 40000 *l.* be granted for Her Majesty's proportion of Her Subsidy to the Duke of Savoy, from the 3d of October 1703. to the 25th of December 1703. That 6725 *l.* be granted for the Levy Money for Recruiting the Horses of the English Horse and Dragoons, lost at the Battles of Schellenberg and Bleinheim: And that 24665 *l.* be granted for defraying Her Majesty's proportion to recruit the Men and Horses of the Foreigners that are in Pay of Her Majesty and the States-General, which were lost in the same Battle. That 5135 *l.* be granted for the Charge of an Additional Regiment of Dragoons and Foot upon the Portugal Establishment, from the 25th of October 1704. And that 244 *l.* be granted for the Charge of two Surgeons and four Mates for the Hospital in Portugal, from the 25th of August 1704. to the 25th of December 1704. 4. \* Nov. 14. That the Sum of 68546 *l.* 19 *s.* 6 *d.* be granted for defraying the extraordinary Expences of the War, in the Year 1703. pursuant to the Portugal Treaty, and not provided for the last Session of Parliament; that 357000 *l.* be granted for maintaining of Guards and Garrisons, and for Payment of Invalids for the Year 1705. including 5000 Men to serve on Board the Fleet.



Fleet. 5. And lastly, † That 120000 *l.* be granted to Her Majesty for the Land Service, to be perform'd by the Office of Ordnance for the Year 1705; 60000 *l.* towards the Defraying the Charge of Transporting Land Forces. And 4000 *l.* for Circulating Exchequer Bills for another Year; That 5000 Additional Forces be raised to supply the like Number of Men, to act in Conjunction with the Forces of Her Majesty's Allies, to serve with the Fleet; that 11844 *l.* be granted for Levy-Money for the said Men. And that 87125 *l.* 10 *s.* 0 *d.* be granted for maintaining the said 5000 Men for one Year: All which Sums they afterwards resolv'd should be levied by a † Land-Tax of four Shillings in the Pound; by \* continuing the Duties upon Malt, Mum, Syder and Perry, from the 3d day of June 1705. till which time they were granted, to the 24th of June 1706. By † raising the Sum of 877931 *l.* by Sale of Annuities, upon the remainders of the Fund of 3700 *l.* per Week, charg'd on the Hereditary and Temporary Revenue of Excise; and by other Ways and Means. The Land-Tax Bill having had a quick Passage thro' both Houses, the Queen came to the House of Lords the 9th of December, to give it the Royal Sanction, which done, Her Majesty made the following Speech to both Houses.

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† Nov. 16.

Ways and Means to raise those Sums.

Nov. 21.

\* Nov. 23.

† Nov. 25.

The Land Tax Bill  
Pass. Dec.

9.

My Lords and Gentlemen,

I Am Glad of this Occasion, to Return you My hearty Thanks, for your Making good the Assurances you gave Me in your several Addresses, of your Zeal and Readiness to Promote the Publick Business.

The Queen's Speech.

And I must Thank you, Gentlemen of the House of Commons, in particular, for your Early Dispatch of so great a Part of the necessary Supplies, which cannot fail of being a very Essential Advantage, both in the Forwardness of Our own Preparations, and in the great Encouragement it will give to all our Allies.

My Lords and Gentlemen,

I look upon this good Beginning to be so sure a Pledge of your Affections for My Service, and for Our Common Interest, That I have not the least Doubt, but you will Continue with the same Zeal, to dispatch what remains of

the

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*the Publick Business, and to bring this Session to a Happy and Speedy Conclusion.*

*Proceedings  
about the  
Occasional  
Conformity  
Bill.*

*Motion to  
bring in  
that Bill.*

\* Nov. 23.

† Nov. 28.

It was generally wish'd, and, indeed expected, both in the Court, the City, and the Country, that the *Bill to prevent Occasional Conformity*; which afforded Matter of Division and Contention between the Houses, in the two former Sessions of this Parliament, would not have been set on Foot again at this Juncture, when all Parties ought, at least, to have suspended their Animosities, and join'd in one Voice to celebrate the Triumphs of her Majesty's Arms. But, notwithstanding, all the Endeavours used by the Ministry, to engage the Leading Men among the warm Sticklers for the Church of England, to contain their Zeal till such an Opportunity, as it might not be construed a Design to obstruct the publick Business; the Parliament had not sat long, before Mr. *Bramley* moved in the House of Commons, *That leave be given to bring in that Bill.* This Motion met with notable Opposition from all the moderate Party, among whom appear'd many Courtiers, particularly Mr. *Boyle*, Chancellor of the Exchequer, who spoke vehemently against it; but tho' it was carried in the Affirmative, yet the chief of the High-Church Party debated several Days in their private Assemblies, whether they should bring in the Bill or no? And many People were of Opinion, they would conclude in the Negative. However, the Bill was brought in, \* read the first Time, and the Question put whether it should be read a second Time? Which after high and warm Debates was carried in the Affirmative. This second Struggle against the Bill, even in the House of Commons, made those that push'd it forward justly apprehensive, that it would never get a Passage, by it self, through the House of Lords; and therefore, after a solemn Consultation in their chief Club, and as was whisper'd, by the Suggestion of a Person in whom they had great Confidence, and who design'd to decoy them into a Snare, they resolv'd to attempt the Tacking of it to the Money Bill, which, upon the second Reading of the Conformity Bill, was accordingly propos'd. This occasion'd still warmer and longer Debates, which kept both Court and City in great



great Suspence, or rather Alarms; for 'twas generally apprehended, that if the Question had been carried in the Affirmative, the Dissolution of this Parliament would have ensued; and how much that would have prejudiced all the Affairs of Europe is easy to be imagin'd. But thro' a great Providence, the Sticklers for the Bill were strangely disappointed, above a Hundred of those who before used to Vote with them, having deserted them on this critical Occasion; so that the Negative prevail'd by a Majority of 251 Voices against 134. Besides the most obvious Argument, that the Tacking of any Acts to Money-Bills takes away the Negative both from the Crown, and the House of Lords; gives the Commons the whole Legislative Power, and so tends to destroy the Constitution, Mr. Secretary Hedges, and the Lord *Cuts* represented to the House, 'That the Duke of *Marlborough* had lately concluded a Treaty with the King of *Prussia* for 8000 of his Men, to be employ'd towards the Relief of the Duke of *Savoy*, who was in most imminent Danger; that those Troops were actually on their March, upon the Credit of the Resolution the House had already taken, to make good her Majesty's Treaties, and that the obstructing the Money-Bills, which the Tacking of the Occasional Bill would infallibly do, would put an immediate stop to the March of those Troops, and thereby occasion the entire Ruin of the Duke of *Savoy*. My Lord *Cuts* urg'd, That the *English* Nation was now in the highest Consideration Abroad; that all Europe were attentive to the Resolutions of this Parliament; and that if any Divisions should happen between the two Houses, it would cast a damp upon the whole Confederacy, and give the *French* King almost as great an Advantage, as we had gain'd over him at *Bleinheim*. Mr. *Boyle*, Chancellor of the *Exchequer*, seconded this, asking, 'Whether any wise Man amongst them would venture their whole Estate upon a Vote? No sure, said he: 'Then, added he, shall we now venture the Safety of all *England*, nay, of all *Europe*, upon this Vote? Sir *John Hollis*, perceiving that many Members had left the High Church Party, did wittily

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tily expose them by saying, 'That for his own Part he had been against this Bill from the Beginning, but he wonder'd that those Gentlemen, who had all along pretended, that the Church of *England* was on the brink of Ruin, unless such a Bill did pass, should not pursue the only Method that might secure the Passing of that Bill. I put it to the Conscience of those Gentlemen, who are come over to Us, added he, whether they were before satisfied as to the Reasonableness and Necessity of this Bill, since they now desert their own Friends. I wish they had voted on our side two Years ago, for 'twould have saved Us a great deal of Trouble; the greatest Part of the Nation a great deal of Uneasiness; and themselves the Confusion of abandoning their Party at a Pinch. Sir *Thomas Littleton* spoke on the same side, and said, 'Gentlemen, By the Tacking of this Bill, we mean to throw a Necessity upon the Lords to pass it: But suppose the Lords think fit to untack, what we have tack'd, and to acquaint us, That they are ready to pass the Money-Bill, but will consider of the other. Pray, whose Fault will the Nation account it to be, that the Queen's Business is retarded? Against all which Reasons little was offer'd of any Weight; and so it was resolv'd, that the Bill should not be tack'd.

Tho' after this Disappointment, the High-Church Party plainly saw that their long stickled for Bill was as good as lost. yet, for form-sake, and to maintain their Credit, if not Abroad, at least in the House of Commons, they got the Bill to be read a third time, \* Dec. 14. \* pass'd, and sent up to the Lords for their Concurrence: Upon the reading † of this Bill in the House of Peers, the Archbishop of *York*, declared, *That he was for so much of it as concern'd the Church: Whereupon the Earl of Peterborough*, said, 'He was glad to hear that Learned Prelate make a Distinction between the Ecclesiastical and Political part of the Bill; and he hoped, that all the Lords, who in their Consciences were satisfied, as his Grace seem'd to be, that this Bill was framed to serve a Temporal, as well as a Spiritual End, would Vote against it. Many other Speeches were made for and against the Bill, the Queen being present; but the Question being put, whether it should be read a second time? It

*The Confor-*  
*mity Bill*  
*flung out in*  
*the House of*  
*Lords.*



It was carried in the Negative by a Majority of 71 Voices against 50. To wit, 51 Members present, and 20 Proxies for flinging out the Bill; and 33 Peers in the House, and 17 Proxies for Reading it a second Time.

By this time the House of Lords were taken up with a Business, that made no less Noise without Doors, than the Debates of the House of Commons about the Conformity Bill; and that was the Lord *Haversham's* Speech, which was usher'd in with great Pomp, his Lordship having acquainted the Peers three Days before, That he had matters of great Importance to lay before them, but would defer it till the House was fuller. The Expectation of what the Lord *Haversham* had to propose having brought all the Peers in Town and in the Neighbourhood to the House, on the 23d of November, his Lordship, address'd himself to them in this manner:

The Lord  
*Haver-*  
*sham's*  
Speech,  
Nov. 23.

My Lords,

I AM very sensible to what Censure he exposes 'himself, who addresses your Lordships in such a Time; but this being the only proper Place for me to mention what I have to offer of Complaint, I the more confidently hope your Lordships forgiveness.

I would be far from detracting or lessening any Man's just Praise, and do really believe that the wonderful *Victory* obtained over the *French*, under the Conduct and Command of Prince *Eugene*, and the Duke of *Marlborough*, if consider'd in all its Circumstances, especially the unusual Secrecy with which the Orders were executed, is the greatest any History can shew us.

And tho' our Success at Sea was not equal to what it was at Land, yet the *English* Courage and Bravery shew'd it self the same. I cannot, indeed, Congratulate Sir *George Rooke's* entire *Victory* over the *French*, but I can, and do most heartily, his Safe Deliverance from them, and that with a Fleet so unprovided, and so weaken'd by five or six *Dutch* Ships being called Home a little before the Engagement, seems to me a considerable piece of Service. To say more, would look like Flattery; and to say less, would be Unjust.

My

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My Lords,

‘The Navy of *England* is its Glory, and its Guard; ’tis that which should Protect our Trade, and Secure our Coasts. Your Lordships were so sensible of this, that you recommended these two Heads to her Majesty, in two Addresses last Sessions, *full of Respect, and yet very pressing*; but we have been so far from receiving the Fruits we expected from your Lordships Care, that whoever will but take a view of what was done last Summer, will see our Coasts left naked, and our Trade exposed, *St. Paul* riding in the Channel, and our Merchants so far from being Protected, that even our Men of War themselves are taken in our Soundings. And what sharpens our Misfortunes, is to see our Enemies making use of our own Ships against us, and to be provided with their very Naval Stores from us, as the Count de *Toulouse*’s Squadron was, if an *Eye-witness thereof, now at the Door, may be believed.*

My Lords,

‘Let our Victories be what they will Ashoar, while *France* is thus Powerful at Sea, and more so daily, not only by his new Additions, but by *our too easie Concessions*, as were those of *St. Christophers, Newfoundland, and Hudson’s Bay*; while our Trade is thus neglected, and your Lordships faithful and provident Advice baffled, by the *dark Counsels of No Body knows who, England*, in my Opinion, can never be Safe.

‘Another Thing that I shall take notice of, is the *present State of the Coin*; and I dare venture to say, that if such *vast Exportations* be much longer continued and allowed, we shall have very little left at Home; *France may be beaten, but England must be beggar’d*. I know we are not so sensible of this, because there is a *Paper Money now Current*; but should there ever happen to be a stop there, I pray God preserve us from *sinking all at once*.

‘The last thing that I shall mention to your Lordships is with Relation to *Scotland*: I think, I need but lay before your Lordships the true matter of Fact to convince you how much it deserves your Consideration. A little before the last sitting down



of the Parliament there, it was thought necessary to make some Alteration in that Ministry, and accordingly some were displaced to make room for others, taking some from each Party, who might influence the rest: Things being thus prepared, and a *new* Ministry set up, the Parliament met about the 6th of July last; and tho' the Succession to the Crown in the Protestant Line was the *main thing* recommended with the greatest Earnestness by the Queen in her Letter to them, yet was it so *postpon'd* and *baffled*, that at length it came to nothing, partly because the Ministry was so weak and divided, that instead of doing every thing they could do nothing; and partly from a received Opinion that the Succession it self was never Sincerely and Cordially intended, *either by the Ministry there, or by those that managed the Scotch Affairs here.*

This is Evident; for at the very opening of the Session, My Lord Secretary himself distinguishes between a *Secret* and *revealed Will*. And not only that, but upon the 4th Sederunt (as they call it) a motion was made for a *Bill of Exclusion*; I take it formally to be so, tho' it bears the Title of an *Act of Security*, which was read the first time on the Seventh, and ordered to lye on the Table till they heard from *England*; and on the Tenth it pass'd into a Law. Nor can any reasonable Man believe that those who promoted a *Bill of Exclusion* there, or those who here advised the passing of it, could ever be really and cordially for the English Succession. I know there is an Exception in the Act it self, but 'tis such an one as might have full as well been left out; for he that asks what he knows before will never be granted, asks the Denial: And yet this is not all, but in this very *Bill of Exclusion*, as I call it, all the Heretors and Boroughs are not only Allowed, but Ordained (as the word is) to be Armed, and to Exercise their Fencible Men once every Month.

This being the Fact (and I think I have stated it very truly) surely, My Lords, it is what deserves your Consideration, and I shall make but one or two Observations to your Lordships. There are two Matters of all Troubles, *much Discontent*, and *great Poverty*, and whoever will now look into Scotland will find them both in that Kingdom. 'Tis

A. C. 1704. 'certain the Nobility and Gentry of Scotland are as  
'Learned, and as Brave as any Nation in Europe can

*boast of; and these are generally discontented. And  
'as to the common People, they are very numerous and  
'very stout, but very poor. And who is that Man who  
'can Answer what such a Multitude, so Arm'd, so Disci-  
'plin'd, with such Leaders may do, especially since Op-  
'portunities do so much alter Men from themselves? And  
'there will never be wanting all the Promises, and all the  
'Assistance France can give.*

'Besides this, My Lords, I take it to be of the last  
'Danger to England, that there should be the least Sha-  
'dow or Pretence of a Necessity to keep up Regular and  
'Standing Troops in this Kingdom in time of Peace, for  
'I shall always be of the same Opinion, That what  
'has been, may be.

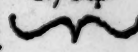
'In short, My Lords, I think every Man wishes  
'these Things had not been; and in my Opinion,  
'there is no Man but must say they should not have  
'been. I shall end with an Advice of my Lord Ba-  
'con's: Let Men, says he, beware how they neglect or  
'suffer matter of Troubles to be prepared, for no Man can  
'forbid the Spark that may set all on Fire.

'If any thing I have said deserves it, your Lord-  
'ships will take it into your Consideration; if not,  
'I'm sure I ought to ask a thousand Pardons for so  
'long Abuse of your Patience.

*The Lords  
variously  
affected  
with this  
Speech.*

The Lords were variously affected with this  
Speech, which, tho' it was generally approv'd, as  
to what relates to the Scotch Affairs; yet it  
was no less unwelcome, than unexpected, to  
see the present Ministry reflected upon, to whose  
wise Councils and Management the Nation ow'd  
its Prosperity at Home, and, in great Measure, its  
Successes Abroad. And besides, some Peers thought  
it Derogatory to the Duke of Marlborough's Glory,  
that Prince Eugene should be named before his Grace,  
in the Mention of an Action, in which that Prince  
acted but a second Part. However, this Speech  
was seconded by the Earls of R——r and N——m;  
the first of whom did, particularly, lament the ill  
Consequences of the Exportation of the Coin, and  
insisted on the Necessity of putting a stop to that  
Evil. The Lord T——, who took this to be a  
Side-Wind Reflection upon himself, said, 'That  
'tho'





‘tho’ it would not be difficult to demonstrate, that  
 ‘there never was so great Plenty of Money in Eng-  
 ‘land, as at present, yet there was a sure way to en-  
 ‘crease that Plenty, and prevent the Exportation of  
 ‘Coin, and that was, by Clapping up a Peace with  
 France: But then, added he, very shrewdly, I leave  
 ‘it to the Consideration of any wise Man, whether  
 ‘we will not thereby be shortly in Danger of losing,  
 ‘not only all our Coin, but all our Land to Boot?  
 The Scotch Business being the most material Part of  
 the Lord *Haverham’s* Speech, the 29th of November  
 was appointed to consider of it, upon which day the  
 Queen went to the House of Peers *incognito*, both to *The Queen*  
 hear their Debates about that important Matter, and *goes to the*  
 to prevent Heats by her Majestick Presence. This *House of*  
 had not all the desired Effect: For a noble Earl ha- *Lords in-*  
 ving reflected on the late King *William*, in Relation *cognito,*  
 to the Treaty of Partition; the Lord *Somers* rose *Nov. 29.*  
 up, and said, ‘It was unbecoming a Member of *The Lord*  
 ‘that House to Sully the Memory of so great a *Somers*  
 ‘Prince: and that he doubted not, but a Man who *Vindicates*  
 ‘could reflect on King *William*, before his Successor, *the Memory*  
 ‘would do the same by her present Majesty when *of King*  
 ‘she was gone. As to the Treaty mention’d by the *William.*  
 ‘Lord N——, he added, That there was a no-  
 ‘ble Lord there present, (meaning the Earl of 3----y)  
 ‘who was the principal Agent and Plenipotentiary  
 ‘in that Treaty; and whose Duty, as well as Inte-  
 ‘rest, it was to vindicate, both the Memory of his  
 ‘late most Gracious Master, and his own Conduct.  
 In the mean time, the Lord M——n consulted  
 with several Peers, whether they should move to  
 send the Lord N—— to the Tower; but this be-  
 ing the first time the Queen did the House the Ho-  
 nour to come to hear their Debates, they thought fit  
 to decline that Motion, out of meer Respect to her  
 Majesty. As to the main Business of the day, the  
 Earls of N——m and R—— urged the ill Con-  
 sequences of the Act of Security pass’d in England;  
 To which it being answer’d, ‘That if that Act had  
 ‘not been granted, there might have been danger of  
 ‘a Rebellion in that Kingdom, it was replied, ‘That  
 ‘if the Scots had rebell’d, they would have rebell’d  
 ‘without Arms; whereas, if they had a mind to  
 ‘Rebel now, this Act had Legally supplied them

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Resolutions  
of the Peers  
in relation  
to Scot-  
land.

† Dec. 7.

\* This was  
suggested by  
the Lord  
Wharton,  
Dec. 11.

† This by  
the Lord  
Hallifax.

\* By the  
Lord Fer-  
rars.

† By the  
Earl of  
Torrington.

\* By the  
Lord  
Mohun.

The Lords  
Address to  
the Queen.

‘with Necessaries to maintain their Rebellion. The most moderate among the Lords represented, that as skilful Physicians, and wise Legislators, they ought rather apply present Remedies to a known Evil, than to lose time in enquiring whether it might have been prevented, and after having spent several Days on this Affair, her Majesty, for the Reasons above-mention’d, being still present, the Grand Committee of the Peers come to these Resolutions, ‘That † the best method to prevent the Inconveniences which might happen by the late Acts pass’d in Scotland, was by making such Laws here for that Purpose; that \* the Queen be enabled by Act of Parliament on the part of England, to name Commissioners to treat about an Union with Scotland, provided that those Powers be not put in Execution till Commissioners should be named on the part of Scotland, by the Parliament there; That † Scotchmen should not enjoy the Privileges of Englishmen, except such as are settled in this Kingdom, in Ireland, and the Plantations, and such as are, and shall be in our Land and Sea-Service, until an Union be had, or the Succession settled as in England; That \* the bringing of Cattle from Scotland into England be prevented; That † the Lord Admiral, or Commissioners of the Admiralty for the time Being, be required to give Orders to her Majesty’s Ships, to take such Ships as they shall find Trading from Scotland to France, or to the Ports of any of her Majesty’s Enemies, and that Cruizers be appointed for that end; And \* that the Exportation of English Wool into Scotland be carefully hindred. These Resolutions being approved by the House, the Judges were order’d to reduce them into Bills, one of which, for an entire Union with Scotland, was read a third Time, and pass’d the 20th of December, and sent to the Commons for their Concurrence. Two days \* after the Lords presented the following Address to the Queen :

WE Your Majesties most Loyal and Obedient Subjects, the Lords Spiritual and Temporal in Parliament Assembled, having taken into Our Consideration divers Acts of Parliament lately pass’d in Scotland, and duly Weigh’d the many



' many Dangerous and Pernicious Effects which are  
' likely to follow from thence, as well in respect to  
' the Trade, as to the present and future Peace, and  
' quiet of this Kingdom; have thought Our Selves in-  
' dispensably Oblig'd, in Duty to Your Majesty and  
' Our Country, to Proceed in the most Serious and  
' Deliberate Manner, to Consider of the best Expe-  
' dients for Preventing and Avoiding such great E-  
' vils.

' And as in Order to this End, We are with all Di-  
' ligence Preparing Bills, which in due time being  
' Offer'd to Your Majesty in a Parliamentary Way  
' for Your Royal Approbation, We Hope may  
' Prove of good Effect; So We think Our Selves at  
' present bound to Represent to Your Majesty as Our  
' humble Opinion, That it is highly requisite for  
' the Safety of this Your Kingdom, that Speedy and  
' Effectual Orders should be given for Putting the  
' Town of *Newcastle* into a Condition of Defence;  
' And for Securing the Port of *Tinmouth*; As also for  
' Repairing and Strengthening the Fortifications of  
' *Berwick, Carlisle* and *Hull*.

' We do likewise Beseech your Majesty, to Cause  
' the Militia of the Four Northern-Countries to be  
' Disciplin'd, and to Order the Necessary Care to be  
' Taken for Providing them with Arms and Ammu-  
' nition, that they may be in a readiness for Service  
' upon Occasion: And We do further humbly Advise  
' Your Majesty, That a Competent Number of  
' Your Regular Troops may be Ordered to be Kept  
' upon the Northern-Borders of *England*, and in the  
' North Parts of *Ireland*.

' We do also humbly Offer to Your Majesty Our  
' Opinion, That in the Present Juncture of Affairs,  
' it is requisite Your Majesty should be Pleased to Di-  
' rect the Laws to be Effectually put in Execution  
' against all Papists, and Reputed Papists, and all  
' Persons Refusing or Neglecting to Take the Oaths  
' to Your Majesty, in respect to their Arms and  
' Horses, and to Order a particular Account of what  
' is done in Execution of Your Commands, to be laid  
' before Your Majesty in Council without Delay;  
' to the End it may Appear what Persons have done  
' their Duty therein.

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Her Majesties Answer to this Address, was,

My Lords,

The  
Queen's  
Answer.

I Shall Direct a Survey to be Made of the several Places mentioned in this Address, in Order to Lay it before the Parliament.

What Forces can be Spared from their Attendance here, shall be Quarter'd upon the Borders, as they were last Year. I shall likewise give the Necessary Directions upon the other Particulars of Your Address.

- \* Dec. 12. Some days \* before the House of Commons having, in a Grand Committee, consider'd the State of the Nation, with regard to Scotland, resolv'd, † Dec. 13. That a Bill be brought in for the effectual Securing the Kingdom of England, from the apparent Dangers that might arise from several Acts lately pass'd in the Parliament of Scotland. About a Month \* after, Mr. Conyers reported, from the Committee of the whole House, to whom it was referr'd to consider of Heads for that Bill, the Resolutions which they had taken, and which were as follows, ' That it be one Head of the Bill to enable her Majesty to nominate and appoint Commissioners for England, to treat with Commissioners for Scotland, for an Union between the two Kingdoms. 2. That all Natives of the Kingdom of Scotland, except such as are settled, and shall continue Inhabitants of England, or the Dominions thereunto belonging, or at present in Service in the Army or Navy, shall be reputed as Aliens, unless the Succession to the Crown of Scotland be settled on the Princess Sophia of Hanover, and the Heirs of her Body being Protestants. 3. That a more effectual Provision be made to prevent the Exportation of Wool from England and Ireland into Scotland. 4. That Provision be made to prevent the Importation of Scotch Linnen into England or Ireland; and to permit the Exportation of the Linnen Manufactures of Ireland, in English Bottoms, into her Majesty's Plantations into the West-Indies. 5. That immediate Provision be made to prevent the conveying of Horses, Arms and Ammunition from England or Ireland into Scotland. 6. That all the Protestant Freeholders
- Resolves of  
the Com-  
mons in Re-  
lation to  
Scotland,  
Jan. 11.
- of

of the Six Northern Counties of *England*, be permitted to furnish themselves with Arms, These Resolutions being read Twice, all, except the last, were agreed unto by the House; who appointed a Committee to prepare and bring in a Bill accordingly, and five \* days after, upon the Second Reading of the Lords Bill to the same Purpose, ordered it to lie upon the Table. On the first day of *February*, the Commons read the third Time, and passed their own Bill, relating to *Scotland*, and sent it to the Lords for their Concurrence, which their Lordships readily gave, and returned the Bill four days † after without any Amendment. Jan. 16. † Feb. 5.

The Duke of *Marlborough* was immediately after his Arrival at the † *Hague*, complimented by the Deputies of the States General at his Palace, where they had a long Conference with his Grace. All the Foreign Ministers, and other Persons of distinction, waited also on the Duke, congratulating his safe return, after the Labours and Fatigues of his Glorious Campaign; and many private Persons made Illuminations, and other Rejoycings upon that Occasion. His Grace having staid a few days at the *Hague*, to concert measures with the Deputies of the States for the Operations of the next Campaign, embark'd in the *Mace* the 11th of *December*, (O. S.) at night, on Board one of her Majesty's Yachts, under Convoy of several Ships of War; bringing over with him *Mareschal de Tallard*, with 26 other *French* Prisoners of Note, and the Standards and Colours taken at *Bleinheim*, as Trophies of his Grace's Victory. On the 14th the Yachts and Men of War entred the River *Thames*, and the Duke having left the Yacht, in which he came over, at *Greenwich*, went in the Admiralty Barge thro' Bridge; but finding, that his Dutcheß was gone to the Tower in her Coach, to wait his Arrival, he sent a Messenger, and staid for her at the *Old Swan*, from whence his Grace came to *Whitehal* about Noon; and having refreshed himself a little while at Colonel *Godfrey's* Lodgings, he went privately in a Chair thro' the Park to *St. James's* House, where he was received with all the Marks of Grace and Favour by Her Majesty, and his Royal Highness, Prince *George of Denmark*. The next day the Duke being come to



A. C. the House of Peers, the Lord Keeper Address his  
1704. Grace with this Compliment.

The Lord  
Keeper's  
Compliment  
to the Duke  
Dec. 15.

My Lord Duke of Marlborough,

THE happy Success that hath attended Her Majesty's Armies under your Grace's Command in Germany the last Campaign, is so truly Great, so truly Glorious in all its Circumstances; that few Instances in the History of former Ages can equal, much less excel the Lustre of it.

Your Grace has not overthrown young unskilful Generals, raw and undisciplin'd Troops; but your Grace has conquer'd the French and Bavarian Armies: Armies that were fully instructed in all the Arts of War; select Veteran Troops, flush'd with former Victories, and Commanded by Generals of great Experience and Bravery.

The Glorious Victories your Grace has obtained at Schellenberg and Hochstet, are very Great, very illustrious in themselves; but they are greater still in their Consequences to Her Majesty, and Her Allies.

The Emperor is thereby reliev'd; the Empire itself freed from a dangerous Enemy, in the very Bowels of it; the exorbitant Power of France is check'd; and I hope a happy Step made towards reducing of that Monarch within his due Bounds, and securing the Liberties of Europe.

The Honour of these Glorious Victories, great as they are; (under the immediate Blessing of Almighty God) is chiefly, if not alone, owing to your Grace's Conduct and Valour.

This is the unanimous Voice of England, and all Her Majesty's Allies.

My Lord,

This most Honourable House is highly sensible of the Great and Signal Services your Grace has done her Majesty this Campaign, and of the Immortal Honour you have done the English Nation; and have commanded me to give you their Thanks for the same.

And I do accordingly give your Grace the Thanks of this House for the great Honour your Grace has done

' done the Nation, and for the Great and Signal Ser-  
' vices you have done Her Majesty and this Kingdom  
' the last Campaign.

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The Duke of Marlborough's Reply was :

*My Lords,*

' I Am extremely sensible of the great Honour your  
' Lordships are pleas'd to do me. I must beg on this  
' Occasion to do Right to all the Officers and Soldiers  
' I had the Honour of having under my Command ;  
' next to the Blessing of God, the good Success of  
' this Campaign is owing to their extraordinary Cou-  
' rage.

' I am very sure it will be a great Satisfaction, as  
' well as Encouragement to the whole Army, to find  
' their Services so favourably accepted.

The same day a Committee of the House of Com-  
mons having waited upon his Grace, to give him the  
Thanks of the House, as well for the eminent Ser-  
vices he had perform'd to Her Majesty and the King-  
dom, as well in the Glorious Victories which had  
been obtained under his Command, as for his Pru-  
dent Negotiations with several Princes and States ;  
and to Congratulate his Arrival, *It is a great Satis-* *The Duke's*  
*faction to me,* said the Duke to them, *to find that my Answer to*  
*Faithful Endeavours, in discharging my Duty to the Queen, the Thanks*  
*and to the Publick, are so favourably accepted. I beg of the House*  
*leave to take this Opportunity of doing Justice to a great of Commons.*  
*Body of Officers and Soldiers, who accompanied me in this*  
*Expedition, and all behaved themselves with the greatest*  
*Bravery imaginable : And, I am sure, this Honour done*  
*Us by the House of Commons, in taking so much notice*  
*of it, will give a general Satisfaction and Encouragement*  
*to the whole Army.*

Mareschal de Tallard, with the other French Gene-  
rals; being now at the Queen's disposal, her Maje-  
sty had a fair Opportunity, to shew her Resentment  
of the late Haughty and Contemptuous Carriage of  
the French, towards her Royal Person and Dignity.  
For, to pass over other Indignities, 'tis remarkable,  
that when the Lord Cutts was about settling a Cartel  
with them, they would not allow his Title of Lieute-  
nant General of the Queen of England's Forces, but  
only

A. C. only of the English Forces, whereupon the Conferences  
1704. were broke. Upon this, and some other Considera-

Some Mor-  
tificatiou  
given to the  
French  
Prisoners.

They are  
sent to Not-  
tingham  
and Litch-  
field.

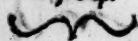
tions, not proper now to be mention'd, it was re-  
solv'd to give those Prisoners some small Mortificati-  
on, by letting them lie two nights on Board the *Catherine* and *William and Mary* Yatchts in the River;  
and by suffering no Person of distinction to have Ac-  
cess to them. And, 'tis to be noted, that the Earl of F——m, having ask'd the Duke of M——, whether he might go and see his old Friend and Acquaintance, *Mareschal de Tallard*? His Grace told him, *He believed the Queen would not refuse his Lordship leave, if he ask'd it of Her*: Which the Earl wisely took for a soft denial, and so forbore any further Application to see Count *Tallard*. On the 16th of *December*, that General, with the rest of the French Prisoners were landed at *Blackwal*; where they were magnificently entertain'd at Dinner by Mr. *Johnson*; and then, in the Afternoon, they set out in a great many Coaches for *Barnet*, in their way to *Nottingham* and *Litchfield*, where Her Majesty thought fit they should reside, to wit, at *Nottingham*, the *Mareschal de Tallard*. *Marquis de Monperroux*, General of Horse. *Comte de Blanzac*, Lieutenant General. *Marquis de Hautefeuille*, General of Dragoons. *Marquis de Valseme*, *Marquis de Seppeville*, *Marquis de Silly*, *Chevalier de Croissy*, *Marquis de la Valliere*, Majors General. *Monsieur de St. Second*, Brigadier. *Marquis de Vasse*, Colonel of Dragoons. At *Litchfield*, the *Marquis de Marivaux*, Lieutenant General. *Monsieur de la Mesfiliere*. *Monsieur Joly*, *Monsieur d'Amigni*, Brigadiers. *Monsieur de St. Maurice*. *Comte de Lionne*, *Marquis de Lasse*, *Baron d'Elst*, *Monsieur de Balincourt*, *Monsieur Saulveboeuf*, *Monsieur de Montenay*, *Monsieur de Gallart*, *Monsieur de Cressy*, Colonels of Foot. *Monsieur de Ligondais*, *Baron de Heyder*, Colonels of Horse. *Monsieur de Prie*, *Monsieur d'Aurival*, Colonels of Dragoons.

They were accompanied by General *Churchill*, and attended by a Detachment of the Duke of *Northumberland's* Royal Regiment of Horse, who were also order'd to guard them, at large, at *Nottingham* and *Litchfield*; the French Prisoners being allow'd all manner of Freedom, both in those places, and ten Miles round about.



On the 30th of December, the Right Honourable Sidney Lord Godolphin of Rialton, Lord High Treasurer of England, and one of Her Majesty's most Honourable Privy Council, who, towards the beginning of July, The Lord had been Elected Knight, Companion of the most Noble Order of the Garter, and Invested with the George and Garter, was Install'd in the Chappel Royal of St. George, within the College, in the Castle of Windsor, by his Grace George Duke of Northumberland, Constable of the said Castle, and the Right Honourable Thomas, Earl of Pembroke and Montgomery, Lord President of Her Majesty's most Honourable Privy Council, Knights and Companions of the said Order, Commission'd thereto by the Sovereign, under the Great Seal of the Order, with the usual Ceremonies. His Grace John Duke of Buckingham and Normanby, Lord Privy Seal, and Knight Companion of the said Order, being present in his full Habit of the Order at this Solemnity, was first Conducted to his Stall in the usual manner: And after all the Ceremonies were perform'd in the Church, the said four most Noble Knights, proceeded from thence up the North Ile of the Choir, thro' the Cloisters to the Deanery, and so up to the Castle, with their Caps and Feathers on their Heads, and their Trains born by the Children of the Choir; Preceded by the Poor Knights, Prebends, Officers of Arms, and the Officers of the Order, the Trumpets sounding, and the Drums beating all the way from the Cloisters up to the Castle; where they were most splendidly Entertained at Dinner, together with a numerous Company of the Nobility, and other Persons of Quality, (who were present on this Occasion;) as also the Officers of the Order, at the new Knight's Charge in the great Guard Chamber of the Castle; and a Table was likewise provided for the Officers of Arms, who attended this Solemnity.

The Queen having been pleased to order, That the Standards and Colours taken in the famous Battle of Blenheim, which were lately brought from beyond Sea, and lodged in the Tower, should be put up in Westminster-Hall; a Detachment of Her Majesty's Horse-Guards and Horse-Grenadiers; and a Battalion drawn out of both Regiments of Her Majesty's Foot-Guards, marched the 3d of January, early in the Morning, to Westminster-Hall, Jan. in 3.

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in the Morning to the Tower to receive them, at which time the great Guns were fired : From thence they proceeded in the following manner ; First, the Troop of Horse Grenadiers ; then the Detachment of the three Troops of Her Majesty's Horse-Guards, 34 of Gentlemen in the Center, carrying each a Standard taken from the Enemy ; the Battalion of Foot-Guards closed the March ; the Pikemen, to the number of 128, who had left their Pikes at the Tower, carrying each one of the Enemies Colours, advanced. In this manner they march'd thro' the City, the Strand, and the Pall-Mall, and pass'd before her Majesty's Palace at St. James's ; then thro' St. James's Mews into the Park, where Her Majesty was pleas'd to see them pass by from the Lord Fitzharding's Lodgings, 40 Guns in the Park being twice fired at the same time : Thence they proceeded thro' the Horse-Guard, Kingstreet, and the New Palace Yard to Westminster Hall, where the said Standards and Colours were put up, to remain there as Trophies of that signal Victory.

The Duke of  
Marlbo-  
rough en-  
tertained  
by the City,  
Jan. 6.

Three Days after, the Duke of Marlborough having been invited by the Lord Mayor and Court of Aldermen, to dine with them in the City, his Grace went thither about noon, accompanied by the Lord Treasurer, the Prince of Hesse, and the Duke of Somerset, in one of Her Majesty's Coaches, and was followed by a great Train of other Coaches, in which were the Foreign Ministers, with several Persons of Quality ; and the Generals and other chief Officers of the Army, who were splendidly entertained at Goldsmiths Hall. They were receiv'd at Temple-Bar by the City Marshal, and attended both going and returning with great Acclamations from the People.

Address of  
the Univer-  
sity of Ox-  
ford, pre-  
sented to  
the Queen.  
\* Jan. 4.

Two Days \* before, Dr. Delaune, Vice-Chancellor of Oxford, accompanied by several of the Heads of both Houses, the Proctors, and other principal Members of the University, attended the Queen with a Printed Copy of the Speeches and Verses, which were spoken in the Theatre on New-Years-Day, upon the following Themes, viz. *Strena Oxonienses ; Carolus Tertius Hospes ; Clades Hocstadiensis ; Bavarus Profugus ; Res Germana Restituta : Marlburius Germanicus ; Fœdus Lusitanicum ; Calpe Expugnata ; Imperium Pe-*

lagi

*laci Prolatum : Rookius Invidia Major ; Landava Recepta ; Mercurius Parisiensis ; Vota Academia.* And presented the same to Her Majesty, together with the following Address.

*May it please Your Majesty,*

WE Your Majesty's most Dutiful and Loyal Subjects, the Chancellor, Masters and Scholars of the University of Oxford, humbly beg Leave to present to your Majesty the Exercise perform'd in our Theatre on New-Years Day, in Honour of the great Success of Your Majesty's Arms the last Year in Germany, under the Admirable Conduct, and Invincible Courage of his Grace the Duke of Marlborough ; and at Sea, under your most Brave and Faithful Admiral, Sir George Rooke : Actions as Beneficial as they are Glorious ; by which the Empire is freed from the Power of France, and Treachery of Bavaria ; Charles the Third of Spain possessed of the strong Hold of Gibraltar, a happy Presage of his speedy Settlement in his Kingdoms ; Trade and Commerce in the Mediterranean secured to Your Subjects and Allies ; and the greatest Check that was ever given to the Ambitious Designs of France.

We humbly presume, Madam, that the Sincerity of our Congratulations will not be questioned by Your Majesty, who knows that our Security advances equally with Your Majesty's Greatness and Power.

Yet it is not our Interest so much as our inviolable Loyalty, which obliges us to put up our constant Prayers to God, That he will be pleased still to reward your Majesty's Pious Care and Concern for the Establish'd Church, by the Continuance of Victory to Your Arms ; That at the Beginning of every New-Year Your Majesty may look back upon the last with as much Satisfaction as You do at present.

Every Body at Court was not equally pleas'd with this Address, which seems to extol the Actions of the Admiral, as high as those of the Captain General ; but, however, Her Majesty received it very graciously, and return'd the following Answer.

Mr.



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*Mr. Vice-Chancellor,*

I Desire you will let the University know how kindly I take this Instance of their Zeal: And as they may be assured of My Protection, so I will not doubt of their Care to encourage those Principles which will promote the Peace and Welfare of Me and all My Subjects.

*Vote of the  
Commons in  
favour of  
the Duke of  
Marlbo-  
rough,  
Jan. 11.*

The 11th of the same Month, being the Day appointed by the Commons, for taking into consideration the Great Services that had been perform'd by the Duke of *Marlborough* the last Summer, and to consider of some Means to perpetuate the Memory of them; They came to this Unanimous Resolution, That an humble Address be presented to her Majesty, expressing the great Sense this House hath of the Glorious Victories obtain'd by the Forces of her Majesty, and her Allies, under the Command of his Grace the Duke of *Marlborough*; and humbly desir'd her Majesty, That She would be Graciously pleas'd to consider of some proper Means to perpetuate the Memory of the great Services perform'd by the said Duke.

Which Address being presented to her Majesty by the whole House, her Majesty was pleas'd to give this Gracious Answer:

Gentlemen,

I Am very well pleas'd with your Address; and I will take it into consideration, as you desire, and send you my Thoughts upon it, in a little time.

January the 16th Her Majesty was pleas'd to give the Royal Assent to the Two following Acts, viz. An Act for raising Monies by Sale of several Annuities for carrying on the present War: And an Act for continuing the Duties upon Malt, Mum, Syder and Perry, for One Year. The next † Day Mr. Chancellor of the Exchequer acquainted the House, That he had a Message Sign'd by her Majesty: And he deliver'd it to Mr. Speaker, who read the same to the House, and was as followeth:

ANNE

## ANNE R.

*HER Majesty having taken into Her Consideration the Address of this House, relating to the great Services perform'd by the Duke of Marlborough, does incline to Grant the Interest of the Crown in the Honour and Manor of Woodstock, and Hundred of Wootton, to him and his Heirs; and desires the Assistance of this House upon this Extraordinary Occasion.*

*The Lieutenancy and Rangership of the Parks, with the Rents and Profits of the Manor and Hundreds, being granted for Two Lives, Her Majesty thinks it proper that Incumbrance should be cleared.*

Upon which the House Resolv'd, That a Bill be brought in to enable her Majesty to grant the Honour and Manor of *Woodstock* and Hundred of *Wootton*, to the Duke of *Marlborough* and his Heirs.

And it was further Resolv'd, That an humble Address be presented to her Majesty, That she will be graciously pleas'd to advance the Money for clearing the present Incumbrance upon the Lieutenancy and Rangership of the Parks, Rents, and Profits of the Honour and Manor of *Woodstock* and Hundred of *Wootton*, in order to the present Settlement thereof upon the Duke of *Marlborough* and his Heirs.

Whatever was the Reason, it had been determin'd † Jan. 6. that Sir *George Rook* should not command the Fleet in the Year 1705; which Resolution was only whisper'd about for some time, and then it was first made † publicly known, 'That his Royal High- Jan. 18. ness the Lord High Admiral had appointed Sir ' *Cloudesly Shovel*, Admiral of the White Squadron Sir Cloud- of her Majesty's Fleet, to be Rear Admiral of En- sly Shovel gland: And not many Days \* after that, his Royal made Rear Highness had nam'd that Brave and Experienc'd Offi- Admiral of cer, to be Admiral and Commander in Chief of her England, Majesty's Fleet. Sir *John Leake*, who had distinguish'd and Admi- his Courage and Conduct, as on many other occasi- ral and on, so particularly in the late Sea Fight, and in the Comman- der in Chief Relieving *Gibraltar*, was, at the same time, appointed of the Fleet: to be Vice Admiral of the White Squadron, Sir *John Oker* Offi- Bing Vice-Admiral of the Blue, Sir *Thomas Dilks* cers of the Rear-Admiral of the Red, *William Whetstone*, Esq; Fleet pro- moted. Rear-Admiral of the White, † Sir *John Jennings* † Jan. 24.

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Christo.  
Musgrave  
Esq; Sworn  
Clerk of the  
Council  
Jan. 11.

Rear-Admiral of the Blue, in the room of Sir *James Wisbart*, who laid down his Commission; *Thomas Jennings*, Esq; to be one of the Principal Officers and Commissioners of her Majesty's Navy, and Captain *Thomas Harlow* to be a Commissioner of the Victualling in his Room. Some time before *Christopher Musgrave*, Esq; was, by the Queen's Command, sworn one of the Clerks of her Majesty's most Honourable Privy Council in Ordinary, in the Room of Sir *John Nicholas*, Knight of the Bath, lately deceas'd.

The Death  
of the  
Queen of  
Prussia  
notify'd.

On the 14th of February the Baron de *Spanheim*, Ambassador Extraordinary from the King of *Prussia*, had a publick Audience of her Majesty, and his Royal Highness Prince *George*, to notify the Death of her late Majesty the Queen of *Prussia*; his Excellency, and the Gentlemen of his Retinue, being in long Mourning Cloaks, and attended by a great number of Servants, all in deep Mourning. Four days after the Court left the Mourning they were in for the Dutches Dowager of *Holstein*, Sister to his Royal Highness Prince *George* of *Denmark*, (who died at her House of *Kiehl* the 30th of October, 1704.) and went into it again for the Queen of *Prussia*, who departed this Life the last day of January (N. S.) at *Hanover*, after having been ill Three or Four days of a swelling in her Throat, leaving that Court, and that of *Berlin*, under an unspeakable Grief. She was the only Daughter of the late Elector of *Hanover*, by the Princess *Sophia*, and Great Grand-Daughter to King *James I.* born the 20th of October 1668. N. S. and Married to the present King of *Prussia* in 1684. She left no other Issue than the Prince Royal *Frederick William*, who was in *Holland*, ready to Embark for *England*, when that afflicting News oblig'd him to return to *Berlin*. She was a Princess equally respected, admir'd and belov'd by all who had either had the Honour to approach her, or to hear her Character from those that had. She was the first of those of her Rank in Beauty, and yielded to none in the justness of Thought, the Delicacy of Expression, or the Graces of Conversation. Her Person was of the middle Size, but somewhat too plump; all her Features extreamly regular; her Complexion fair and lively, her Eyes blue, and her Hair Cole-black. Her

Her Character.

Read-



Reading was infinite, and she was conversant in all manner of Subjects; Nor was she more admired for her inimitable Wit, than for her exact Knowledge of the most abstruse Parts of Philosophy. No Body ever better understood the Art of Giving an Improving Relish to all Entertainments; but her favourite Diversion was Musick, in which she excell'd both in the Performance, on the Harpsicord and the Composition. She lov'd to see Strangers, and to inform her self of all that's Worthy or remarkable in their several Countries; And she had so just an Idea of Government, that in all *Germany* she was stiled, the *Republican Queen*. The loss of a Princess of so uncommon Merit could not but be generally lamented in all Protestant Countries.

Some days before the Death of this Excellent Queen was notify'd, the House of Commons \* took \* Feb. 8. into Consideration the Treaty lately Concluded by the Duke of *Marlborough*, and unanimously Resolv'd, ' That an humble Address be presented to her Majesty, Returning the Thanks of this House to Her Majesty, for concluding the late Treaty with the King of *Prussia*, which is so seasonable a Support to the Duke of *Savoy*, and so great an Advantage to the Common Cause: And also to assure her Majesty, ' That her Faithful Commons will effectually enable her Majesty to make good the said Treaty with the King of *Prussia*, who, upon so many Occasions, hath Signaliz'd his Zeal for the Protestant Religion and Liberty of *Europe*. The next † Day Mr. Secretary *Hedges* acquainted the House, That their Address having been presented to her Majesty, Her Majesty was pleas'd to make the following Answer, viz.

*Address of the House of Commons in Praise of the King of Prussia.*

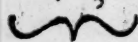
† Feb. 9. *The Queen's Answer*

**H**ER Majesty returns you many Thanks for the Assurances you have given Her in your Address; and is very well pleas'd to find you have so just a Sense of the King of *Prussia's* Zeal for the Protestant Religion, and the Liberty of *Europe*.

The 26th of the same Month Mr. Speaker reported to the House, That the House had attended her Majesty with their Address, ' That her Majesty would be Graciously pleas'd to use her Interest with her Majesty's Allies, That they may the next Year furnish their several compleat Quotas, both by Sea and continents.

*Address of the same relating to the Allies, and the Hungarians and continents.*

A. C.

1704<sup>1</sup>/<sub>5</sub>

‘and Land, according to their respective Treaties;  
 ‘and that her Majesty will be Graciously pleased to  
 ‘continue Her Endeavours for an Accommodation  
 ‘between the Emperor and his Subjects now in Arms  
 ‘in *Hungary*, in order to the better and more effectual  
 ‘carrying on the present most necessary War:  
 ‘And that her Majesty was pleased to give this  
 ‘Gracious Answer.

Gentlemen,

**I** Will continue to use my best Endeavours to obtain a  
 Compliance from the Allies with what is desired in  
 your Address.

As to the Accommodation with the Malecontents in  
*Hungary*, I have made Application to the Emperor several  
 times upon that Point, and shall continue to press him  
 in it with all the Earnestness imaginable.

† Feb. 20. Some Days † before Mr. Chancellor of the Ex-  
 chequer acquainted the House of Commons, That  
 their Address having been presented to the Queen,  
 Address about mak- That she would be pleased to direct, that a Survey  
 ing an Har- be made of *Whitsand-Bay*, and *Por-de nac-Point*, and  
 bour in an Estimate of the Charge of making an Har-  
 Whitland bour and Light-House there, Her Majesty was plea-  
 Bay. sed to say, That she would give Directions, That a Survey  
 and Estimate be made, as was desired.

\* Feb. 22. Two days † after, the Queen was pleased to confer the Honour of  
 Knighthood upon *William Whetstone*, Esq; Rear-Ad-  
 miral of the White, and Commander in Chief of  
 the Squadron of her Majesty's Fleet in the *West-*  
*Indies*, in Consideration of his good Services; And  
 her Majesty having, about the same time, called by  
 † The Lord Writ to the House of Peers, *James Lord Dursley*, El-  
 Dursley dest Son to *Charles Earl of Berkeley*, his Lordship  
 called by Writ to the was accordingly † introduced and Seated on the Ba-  
 House of ron's Bench, in the usual manner.  
 Lords.

On the 5th Day of December, the Commons re-  
 † March 7. solv'd, 'That *John Paty*, *John Oviar*, *John Paton*  
 Vote of the Jun: *Henry Basse*, and *Daniel Horn* of *Aylesbury*, had  
 House of 'been guilty of Commencing and Prosecuting an  
 Commons 'Action at Common Law against *William White* and  
 against the 'others, late Constables of *Aylesbury*, for not allow-  
 five Ay'es- ing their Votes in the Election of Members to serve  
 bury Men. 'in Parliament, contrary to the Declaration, in high  
 Con-

' Contempt of the Jurisdiction, and in Breach of the A. C.  
' known Privileges of that House; and at the same 1704.  
time ordered the 5 *Aylesbury* Men to be Committed to *Newgate*, which being done accordingly they brought *They are*  
their *Habeas Corpus* to the Court of *Queens-Bench*. Committed

This being a Case of the highest consequence, the *to New-*  
Judges put off the Hearing of it till the last day of *gate.*  
the Term; that they might have the more time to *Their Case*  
look into Precedents, and that thereby their Opini- *heard at*  
ons might carry the greater Weight. Mr *Page*, Mr *the Queens*  
*Montague*, Mr *Lechmere*, and Mr *Denton* were Coun- *Bench Bar,*  
cil for the Prisoners, and after the Reading of the Re- *Feb. 12.*  
turn of the Commitment, the first said. ' That the *Mr. Page*

' Writ of *Habeas Corpus*, is a Writ grounded on Com- *pleads for*  
' mon Law, and therefore this Court can Bail all *the Priso-*  
' Persons, that by the Laws of *England* areailable; *ners.*

' That he did not say, but that the House of Com-  
' mons hath Privileges that belong to them, and  
' may Commit for Breach of such Privileges; that  
' he did now only inquire, if there be any Law for  
' the Commitment of the Prisoners, and therefore the  
' first Question he made, was, *If there was a Breach of*  
' *Privilege returned?* Adding, That there being no  
' notice in the Return, that the House of Commons  
' has any Privilege, he needed not argue whether  
' they have a Power, or not, to restrain Men from  
' Suing in the Queen's Court. The Lord Chief Ju-  
stice *Holt* having told Mr *Page*, That the Question  
was, *If they were not to take notice of their Power, tho' not*  
*return'd to that Court:* Mr *Page* answer'd, That tho' the  
Court would take notice of any Power of the House,  
yet that not appearing in the Return, they could not  
judge of it, the Commitment being by the Speaker, and  
not by the House. The Lord Chief Justice replying,  
That the Commitment was in pursuance of the or-  
der of the House; Mr *Page* subjoyn'd, that then it  
should be shown to be by the House, the Speaker  
being in the Chair, which was not mention'd in the  
Commitment. But this was over-rul'd by the Lord  
Chief Justice, who said, that by the House, was to  
be understood the whole House sitting, with the  
Speaker in the Chair. Mr *Montague* continued the  
same Object to the Commitment, adding, that it  
did not appear, that the Prisoners were any ways  
related to the House of Commons, either as Mem-  
bers or Officers: That as to the Lord *Shaftsbury's*

*As also Mr.*  
*Monta-*  
*gue.*



A. C. Case he was a Member; that he agreed every Court must, and have Power to keep order among themselves, but that to take a Man out of the House, who was not of the House, nor guilty of any Breach of Privilege, for ought appear'd, by a return, knew no Law for it; that the Case assign'd, was because the Prisoners had been guilty of bringing and presenting an Action, which he did not take to be a Crime by any known Law; that in the Case of the Constable of *Aylesbury*, there was a Judgment at Law judicially given, which could not be got over, until some Act of Parliament interpos'd, and the Law being so, that a Man might bring his Action, he did not know what Crime a Man cou'd be guilty of that used this Law; that the Words of this Commitment went further, that bringing this Action, is contrary to the Declaration, in high contempt of the Jurisdiction, and in Breach of the known Privileges; that they know not what this Word *Declaration* means, neither did they understand what that Breach of the Jurisdiction was; that as to the Words, *against the known Privileges of the House*, he was at loss what Action is against the Privilege of the House, because they can have no Privilege against Law, and he was sure it was not against Law to bring any Action. Then he took notice, that the Commitment was during Pleasure, adding, that he had known Persons committed *per Mandatum Domini Regii* Bail'd, and therefore by stronger reason ought they to be Bail'd, if committed by the House of Commons.

Mr. Lech-  
mere's  
*Reasons for  
the same.*

Then Mr. *Lechmere* spoke as follows.

I am also of Counsel with the Prisoners before you, and humbly apprehend they ought to be discharg'd.

The Gentlemen that have spoke before me, made several exceptions to the Return, I shall not take upon me to inforce what they have said, it will have its weight with your Lordship. But shall consider the Commitment it self.

*These Facts are necessary in the first place to be taken notice of.*

That the Persons Committed, nor the Party against whom the Action was brought, are not Members, nor have the Privileges of Members of the House of Commons. That the Cause of this Commitment was not any Matter depending in the House, but on the contrary, it appears in the Warrant of Commitment, that

it

it is a Matter depending in a Court of Law in a Legal way, 'tis for bringing an Action at Common Law, &c.

*This is the ground of the Commitment, specially set forth in the Warrant itself.*

I lay it down as a position, That by the known Laws of the Land, an Action on the Case doth lye for an Elector against the Officer that refuses his Vote at an Election to serve in Parliament. My Authority for this is, the Resolution of the House of Peers in the Case of *Ashby* and *White*; I have the Report in my Hand, Printed by the Authority of the House of Lords, and I beg leave to Read to you the first Resolution.

Thus the House of Peers, the highest Judicature in England, in the Regular Exercise of their Judicature upon a Writ of Error out of this Court, have declared the Law to be, that an Action doth lye——

This Judgment is remitted hither, and remains upon Record, this Court hath since awarded Execution upon that Judgment, and so far this Supream Court at length, concurs with the House of Peers, in this great and fundamental Point.

This very consideration reduces the Question to a single Point; whether the pursuing that in a Legal Course, which is thus declared and recogniz'd to be the Law, can be a Cause to imprison the Party that does so; is there any Power in England, besides that of the Queen, Lords and Commons (and that Supream Power never will) deprive the Subject of his Liberty, for the making use of his Remedy at Law, to assert and recover what the Law has adjudged to him.

In the next place I shall offer it as a consideration to you, the nature of that Right and Interest, which is not only affected, but prejudg'd by this Commitment.

The Right of the Elector to chuse a Member to represent him in Parliament, is his Inheritance and Franchise.

I say this on the same great Authority.

This is declared by two several Acts of Parliament, the one 34. and 35. H. 8. C. 13. the other the 25. Car. 2. C. 9. the first whereof, saith, that to be excluded the Liberty of sending Burgeses, is a damage to Lands, Body and Goods; the other, that it is a Liberty and Privilege to send them.

These Acts are expounded by the Court of the House of Peers, and out of 'em, they say, that the Right of Election is a Legal Right, belonging to, and inherent in the Freehold.

## The ANNALS of

These things I mention to shew, that the Declaration of the House of Commons, which is the Foundation of the Commitment, is touching a Franchise and Inheritance, as valuable, at least, as any Property.

I must also lay before you *Magna Charta*, which I take to be directly concern'd in this Question, that says, no Freeman is to be disseis'd of his Freehold or Liberties, or free Customs, unless by the Lawful Judgment of his Peers, or by the Law of the Land.

These, my Lord, are known and great Truths, and the Basis of our Law and Government, but yet too evidently affected by this Commitment.

Is it no injury to the Freemen of *England*, intituled to the benefit of the great Charter of their Liberties, to be Voted out of their Inheritances, which *Magna Charta* says he ought not to be disseis'd of, but by the Tryal of 12 Men on their Oaths.

I cannot refrain saying, that the Laws I have repeated are Superior to, and obligatory on either part of the Legislature, the House of Commons stands subject to *Magna Charta*, and the Law of the Land, and otherwise then according to that Law, it is that no Man is to be Imprisoned.

But the Commitment goes on contrary to the Declaration, &c. Admit that, that the House of Commons had Voted, that an Action did not lye, this Declaration of theirs has not repeal'd *Magna Charta*, &c. nor are the People of *England* precluded from saying so, and to this Declaration of the House of Commons, I oppose the Law, I mean the Judicial Declaration of the House of Peers, that it doth lye.

In contempt of the High Jurisdiction, but the judgment of Law is, that this Case is proper for the Queen's Courts, and that matters of Freehold, and all Rights depending thereon are Originally and Primarily determinable there, admitting then, That the House of Commons had a Jurisdiction of the matter of this Commitment, it can be no Contempt to that Jurisdiction, to proceed on the same matter in another Court that has Jurisdiction also; but the Lords say, and I must take the Law to be, that there is no other Court or Jurisdiction appointed by the Laws of *England*, for determining this Right, but the Courts of *Westminster Hall*; if this be the Law, is it not absurd, to say, that 'tis a Contempt to a Court that has no Jurisdiction of a matter, to proceed regularly on that matter, in a Court that has



has, to say this, is to admit the House of Commons not to have Jurisdiction; but yet to say. they have an uncontrollable one.

The last thing in the Warrant is, contrary to the known Privileges of this House; the Privileges of either House, are indeed known Privileges, not to be Created by a Vote, but must be Antecedent to it; but there can be no known Privileges of either House against or above *Magna Charta*, and the Law, and whenever a single Declaration of either House of Parliament, of a matter to be a known Privilege, comes in Competition with the known Laws of the Land, I humbly conceive the latter must prevail.

The Lords say, to pretend it to be a Breach of Privilege of the House of Commons for an Elector to use his Remedy at Law, if he be wrongfully Excluded his Vote, is very strange; That certainly can ne're be Esteem'd a Privilege of Parliament that is incompatible with the Rights of the People.

Having thus shortly animadverted upon the Commitment, nothing remains, but to consider how it stands before you in Judgment: 'Tis on a return to an *Habeas Corpus*, whereby this Court is now possess'd both of the Persons Committed, and the Cause of their Commitment.

My Lord Coke says, every continuance of an Imprisonment, is a new Imprisonment. The House of Commons have Committed, and the Cause appears, you have taken them into your Custody, and if you remand 'em on the Warrant return'd, I take the Liberty to say, that you Commit them for the same Cause.

This Court is the Supream Oyer, intrusted with the Execution of the Law, in what respect things of the highest Nature, the Lives and Liberties of the People of *England*, and no consideration can take place here, but this Court must declare the Law in every instance that's brought before them.

The Writ of *Habeas Corpus* is her Majesty's Writ, and of the highest Nature, and by this Writ her Majesty is now making inquisition concerning the Liberty of her Subjects, and matters of Imprisonment come as properly in Judgment, on a return to an *Habeas Corpus*, as in an Action, or on an Indictment.

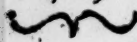
Doubtless then, the Houses of Parliament are Judges of their own Privileges, and 'tis as plain, that the Courts of *Westminster Hall*, are Judges of 'em too, when they come regularly before them, and are not concluded by what either House shall determine in the same matter.

In Sir George Bynion's Case, 'twas adjudg'd by the Court of Common Pleas, that the Filing an original against a Member of the House of Commons, even sitting the House, was no Breach of Privilege of Parliament.

A Writ of Error in Parliament, if a Term intervene after the Teste, and before the return hath been adjudg'd, to be no Superfedeas of Execution.

A. C.

1705.



In the Case of the Earl of Danby, upon a return to an *Habeas Corpus*, the Court of the B. R. determined what duration a Commitment by Parliament should have.

In the Case of *Ashby and White*, the great Objection was, That it was a Matter relating to Parliaments, and ought to be determin'd by the Law and Customs of Parliament, and for that Reason is not Cognizable in the Queen's Courts: But the Law is declar'd to be; That the Courts of *Westminster-Hall* have, and no other Jurisdiction hath the Consufance of this Question.

The Lord *Banbury's* Case is a great Authority in this Matter, it was *Trin. 6. Gul. and Mar. B. R.*

He was Indicted by the Name of *Cha. Knowles*, for Murder, he Pleaded his Patent of the Earldom of *Banbury*, and that it descended on him, and because he was not named E. of B. in the Indictment, he prays Judgment, if he should answer the Indictment; The Attorney General reply'd:

That on the 13th of *Dec. 4. Gul. & Mar.* the Defendant did exhibit a Petition to the Lords in Parliament Asssembled, alledging there, That he was a Peer, and desiring he might be Tried by his Peers, and that hereupon *Processum fuit Secundum Legem & Consuetudinem Parliamenti*, and Resolv'd, Consider'd and Order'd by the Lords in Parliament, that he had no Hereditary Right of Peerage. To which the Defendant demurr'd. This Court did adjudge, That the Order of the House of Peers was no Judgment of Parliament, that it was an original Cause wherein they had no Jurisdiction, that the Lords have a Jurisdiction over their Members, in relation to their sitting in Parliament; but not over the Estates of their Members, or their Inheritances or Honours, which are to be determin'd by the Law of the Land, the Birth-right of every *Englishman*. In that Case the Attorney General averr'd, that the Order of the House of Peers was made *Secundum Legem & Consuetudinem Parliamenti*, but it did not avail to exclude this Court of Jurisdiction.

*Lex Parliamenti*, especially touching matters out of Parliament, is part of the Law of the Land; if it were a peculiar Law; yet if a question concerning it doth arise in a Cause, of which the *Queen's-Bench* hath proper Consufance, this Court may adjudge of it, as the Spiritual Courts do of Temporal Judgments, Patents, Deeds, &c.

There can be no Law or Custom of Parliament, but what is grounded on Precedents.

Is there any Precedent in Parliament, that Mens Inheritances, which ought to be try'd according to *Magna Charta*, should be otherwise determin'd *Secundum Legem & Consuetudinem Parliamenti*.

Is there any Precedent in Parliament, that Men may be Imprisoned contrary to *Magna Charta*.

Or any Precedent in Parliament, that what the Courts of Law in one Sessions have solemnly declared to be the Law: An House of Commons the next Sessions Imprison'd

the

the Man that acted accordingly, and express'd this to be the Cause of his Commitment, if those who support this Commitment, will shew such a Precedent as this in the Rolls of Parliament, I'll undertake it shall appear to you on the same Roll, that an *Habeas Corpus* was granted by this Court, and that this Court discharg'd the Prisoner.

The Privileges of either House of Parliament are the peculiar Rights of each Body, essential to, and even part of their Constitution: Like the Prerogatives of the Crown. They are powers to do good only, and not to hurt; and no Man can say that either House of Parliament can give it self any new Privileges, any more then it can abolish its old Ones; or than the Crown, without Consent of Parliament, can create to it self new Prerogatives. They are equally part of the *English* Constitution, and where- in the People of *England* are immediately Interested.

But the just and ancient Privileges of Parliament every *English*-man has, and ought to have the greatest Regard to, and so far the Declarations of the H---se concerning 'em have an effect, and ought to influence, and this forces me to say, that to Contend for a power in either part of our Legislature, which is not warranted by our Constitution, is the greatest Blemish and Dishonour to it, and they are the worst Advocates for an *English* H---se of Commons, who, under the Specious Name of Privilege, would exalt it into a state not only of Independance, but Superiority to the whole Legislature.

To conclude, in speaking for the Prisoners, I'm arguing for the Sovereignty of the Law, for in *England* there is no Power above the Law, none, but the Power that makes it: I mean, the Power of Queen, Lords and Commons.

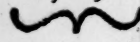
He that Transgresses the Law Criminally, forfeits his Freedom: It becomes a Pledge to the Publick, till the Law is satisfy'd; but he that obeys the Law, he that pursues and acts conformably to the Law, is intitul'd to its Protection, be the Consequence what it will. And therefore, so long as *Magna Charta* continues, and this does remain a Court, and especially so long as your Lordship presides here, whoever feels the attempts of an Irregular Power on any part of his Property, and seeks Relief here, is sure to find it, and no regard to the greatness of any Body, can cause any variation from the steadiness of your Lordship's Justice. For these Reasons I pray they may be discharg'd.

Mr. Denton excepted to the Return of the Commitment, alledging first, that the Warrant did not sufficiently de- And Mr. scribe the Crime; 2dly, That it did not appear, that the Denton's Party Committed had notice of the Vote or Declaration of the House of Commons, for every Man is not bound to take notice of a Vote, because it is but a Temporary Thing; 3dly, That it not appearing by this Return, that the Prisoner was a Commoner, he might notwithstanding any



A. C.

1705.



J.—  
G.—  
Opinion.

J.—  
P.—  
Opinion.

any thing that appear'd to the contrary be a Lord, and then it must be agreed the Commons had no Jurisdiction: That if it had been a general Commitment, without shewing the Offence particularly, and said, for a Breach of Privilege only, perhaps it had been a good Commitment; but here the Cause was set forth, and it appeared by the Judgment of the Lords, in the Case of *Ashby and White*, that was no cause at all of Commitment; that Bailing the Prisoners in this Court, did not meddle with the Privileges of the House of Commons, because, if Bail'd, yet they are answerable to the House, and are Prisoners in *Custodia Legis*; that indeed Justices of the Peace can commit for a Riot without Bail, but this Power arises from an express Act of Parliament for that purpose; that the Queen herself cannot commit so as to bind the Power of the Law, but this Court, can in such Cases, and always have upon good Cause shewn. Bail'd notwithstanding such Commitments; concluding upon the whole for the Release of the Prisoners. The Council having done Pleading, the Judges proceeded to give their respective Opinions, and the youngest J.—G—, declared he thought the Prisoners ought to be remanded, alledging, that it was the first *Habeas Corpus* of the kind that ever was brought; That if this return now before the Court, had been of an *Habeas Corpus* from an Inferior Court, it had been a bad Return, but that the House of Commons was Superior, and could not be bound by the forms of *Westminster Hall*, having peculiar Laws and Customs; that when the Earl of *Northumberland* petition'd the King, where the Question was, whether the Power that he had rais'd was Treason, which Petition was order'd to be delivered to the Justices to be consider'd; the Lords made Protestation, that the Order thereof belong'd to them, and they resolv'd it not to be Treason; that here was a Parallel Case, the House of Commons, had declar'd the Prisoners guilty of a Contempt, and how could this Court contradict what had been determin'd by them, who are part of our Legislature, and cannot be supposed to break their Trust? J.—P— was of the same Opinion, as to the Remanding of the Prisoners; Saying, that this Case is not like that of the Lord *Shaftsbury*; That as to the Objection made by the Council, that the Persons were not Members, he answered, that most Commitments by the House of Commons, were of other Persons not Members: As for Arresting a Member, sitting the House, &c. otherwise they could not vindicate the Breach of their Privileges. As to what was objected, That this Commitment was during Pleasure, he reply'd, That it was more beneficial to have Commitments so, that Persons so Committed might, in the meantime, make Application and Submit; and that the Com-

mit-

commitments of the House of Commons, were like the Commitments of this Court upon Contempts, which always were understood not to be for any certain Time, and therefore during Pleasure. That it was likewise objected at the Bar, that the Commitment was for bringing an Action; to which he answered, That Privilege does stop the Law, and so it is in all Actions brought against any Servants of Members, sitting the House. And as to the Case of *Ashby and White*, he did not think it to be the same with this Case here. That he saw but two Things in this Argument of substance, first, 'If this Court being a high Court, and the highest of all Inferior Courts, can discharge any Person committed *per Mandatum Domine Regine*, surely then it may discharge one committed by the House of Commons: To which he answer'd, That he took this to be a Fallacy, because the King is to act by his Ministry, and by his Courts, and not by his Absolute Will; that according to the Lord Cook, tho' the King be presum'd to be present in this Court, yet he doth act by his Judges here, otherwise he might be both a Judge and Party. As to the Objection, *Whether the Commons should by a Declaration, direct who should not be Sued*; that we must suppose they have general Jurisdiction of Privileges, and Contempts, and Rights, as well as other Courts; that this Commitment was not for a Tryal, but as upon an Adjudication, and as a Punishment: That when they came to a Point of Jurisdiction, they must consider it by Usage; that it is next to impossible for the Courts of *Westminster Hall*, to judge of the Privileges of the House of Commons, who have not Access to their Rolls, where only Privileges of that House are to be seen, and therefore it was very unreasonable to put Judges upon the Enquiry: That if this Court had a Jurisdiction over the Commitments of the House of Commons, they should have it also over those of the Lords, concluding, That they were a great Court, but that their Ancestors, or They, never yet knew it so great as this would make it. J——P—— having delivered his Opinion, J——P—— concurred in it, alledging, he P—— could not think they could be Judges of this Return, because the Prisoners were committed by another Law than this Court proceeded by, and that to com-

Opinion.

A. C. mit by one Law; and discharge by another, would  
 17c $\frac{4}{3}$  introduce disorder; that as the Ecclesiastical, Ad-  
 miralty and Martial Courts, and the House of Peers,  
 proceed by their own Rules, so the House of Com-  
 mons proceed by their Rules, this Court can meddle  
 with their Privileges in some Cases, but not so as to  
 contradict or oppose them, and that he did not know  
 how the House of Commons could have a Power of  
 Judging, and not of Punishing. That this Court  
 can correct Excesses of all inferiour Courts, but not  
 of the Parliament, which is superior; that suppose  
 the Lords would intermeddle with Free-holds, tho'  
 perhaps they are not less valuable than our Privi-  
 leges, yet this Court could not prohibit them: That  
 he believ'd it as customary to make Commitments  
 during Pleasure, as otherwise; that if we had a long  
 Parliament as formerly, then perhaps it would have  
 been hard; that Bondage was so much lost in *England*,  
 that he believed the Council had almost forgot how  
 to apply that Argument; that he did not know how  
 excess of Jurisdiction in either House can be good; if  
 it happens it must be determin'd by Conference be-  
 tween themselves; that if it should be suppos'd both  
 should insist, and the Commons should do any thing  
 unreasonable, sure then the People of *England* would  
 not chuse them again; and if the Lords would insist  
 upon unreasonable Privileges, then the People of *En-  
 gland*, he believ'd, would find out a way to chuse  
 such a House, or use such Methods as would rectify,  
 and oblige to a Submission. These three having de-  
 clared their Sentiments, the L— Ch— J— H—  
 delivered his Opinion, that the Prisoners ought to  
 be discharg'd. 'I am sensible, added he, of the great  
 'Disadvantage I lye under, because eleven of the  
 'Judges are against my opinion. The Case being of  
 'Moment and Concern, I did desire to confer with  
 'them, before I deliver'd my Thoughts; and 'tis a  
 'second Disadvantage that I have so great an Esteem  
 'for their Sentiments, that I would willingly relin-  
 'my Opinion to theirs; but then I lye under ano-  
 'ther, which is to encounter an Opinion and Judg-  
 'ment of the House of Lords. I must confess, the  
 'Commons of *England* are entrusted with, and are  
 'very Zealous for our Liberties, and therefore I  
 'would think it a Misfortune to lye under their dis-  
 plea,

The L—  
 C— 7—  
 &ice H—  
 Opinion.

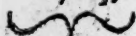


‘ pleasure. Yet there is another thing which lies  
 ‘ upon me, which, at all Events, I am to take care of,  
 ‘ and that is a good Conscience; I am upon my Oath  
 ‘ to judge impartially and justly. I do not think this  
 ‘ such an Imprisonment, that the Freemen and Sub-  
 ‘ jects of *England* are to be bound by, and it will af-  
 ‘ fect all the Kingdom, if by any Declaration or Pro-  
 ‘ hibition made by the House of Commons, they  
 ‘ are restrain’d from bringing a Lawful Action. Nei-  
 ‘ ther of the Houses of Parliament, separately or  
 ‘ jointly have any Power to dispose of the Liberty or  
 ‘ Property of the Subject; It must be with the Queen  
 ‘ added. This is the Constitution of the *English* Go-  
 ‘ vernment. ‘ It is said in the Return, that the Priso-  
 ‘ ners are guilty of a Breach for bringing an Action.  
 ‘ I must therefore declare my Opinion, that com-  
 ‘ mencing a Suit, is no Breach of Privilege, tho’ it  
 ‘ be against a Member himself, so as he be not affect-  
 ‘ ed in his Person or Lands. The second Crime  
 ‘ mention’d in the Commitment and the Return, is  
 ‘ Prosecuting; what is meant thereby, seems not to  
 ‘ be so clear, because Prosecuting may be taken several  
 ‘ ways, as entring of a Continuance, which cannot  
 ‘ be said to be any Breach of Privilege; the Person  
 ‘ of the Member, or his Estate, not being disturb’d  
 ‘ thereby. Indeed, if you restrain the Person of a  
 ‘ Member, or do any Act to restrain his Liberty,  
 ‘ then it is a Breach, and Punishable by the House.  
 ‘ Again the House of Commons should have shewn,  
 ‘ that they have a Privilege. For if the High Con-  
 ‘ stable of *England* should not shew his Authority,  
 ‘ we should not take more notice of him, than of the  
 ‘ Constable of *St. Martin’s*. The Law of the Land  
 ‘ must take place. A Man may legally Commence  
 ‘ and Prosecute an Action against a Man that is not  
 ‘ Privileged, tho’ Vexatious or Wrong, as appears  
 ‘ by *2do Ric. 3ij. 9.* where all the Judges were of Opi-  
 ‘ nion, that there was no Punishment for bringing  
 ‘ an Action, tho’ Wrong. If an Action is Sued and  
 ‘ Prosecuted against a Peer, no Action *de Scandalis*  
 ‘ *Magnatum* will lye, if there was any probable Cause  
 ‘ of Action. I do not think that any Instance can be  
 ‘ shewn, that ever Privilege did extend so far, as to ex-  
 ‘ clude or debar any Man from bringing any Action,  
 ‘ but especially where there is a just Cause. This Case

‘ has

A. C.

1703,



' has undergone a great and high Judgment above,  
 ' upon the Queen's Writ of Error. My Brother  
 ' *Pawr* says, that he does not know, that this is, the  
 ' same Case with that of *Ashby* and *White*; but if he  
 ' will look upon the Return, he will be soon satisfied  
 ' that it is. Another part of the Return says, that  
 ' the Prosecution was, Contrary to the Declaration, and  
 ' in Breach, &c. I do not well know what is meant  
 ' by a Prosecution contrary to a Declaration; but  
 ' suppose there was a Declaration, I much question  
 ' if that Declaration will make that a Breach of Pri-  
 ' vilege, which was not so before. There is no  
 ' Precedent for it; and if any Man can bring such a  
 ' Precedent, it will go a great way with me. Privi-  
 ' lege is not unlimited, but is established by the  
 ' Rules of Law. If a Member break the Peace, he  
 ' must find Sureties, or if he commit High Treason  
 ' or Felony, sitting the House, he must Answer. If  
 ' the Declaration does claim a Privilege, and says,  
 ' it is so, yet if it was not so before, the People of  
 ' *England* are not estopp'd to say, it is not so, for nei-  
 ' ther the one House nor the other can enlarge their  
 ' Privileges. They concern the Liberties of the Peo-  
 ' ple in a high Degree, and nothing but an Act of  
 ' Parliament can make a Man's Person Subject to  
 ' Imprisonment, but where originally he was so Sub-  
 ' ject. The Reason why Judges do not give their O-  
 ' pinions to the Lords about their Privileges, is be-  
 ' cause it is *Lex Parliamenti*, and the Lords them-  
 ' selves being always there, are presum'd to know  
 ' their Privileges best themselves; but whenever  
 ' the Question is about Privilege in *Westminster*  
 ' *Hall*, we must judge of it according as it appears to  
 ' us, and according to the Law of the Land. Sup-  
 ' pose in this Case the House of Commons had not  
 ' interposed, the Plaintiffs had gone on, and the De-  
 ' fendants had pleaded the whole matter of the Pri-  
 ' vilege specially, and Plaintiff had demurred; we  
 ' then should have judged of it, because it would  
 ' have been a Plea to the Jurisdiction of the Court.  
 ' All appears upon Record now before the Court,  
 ' and therefore we are to judge of it, as much as if it  
 ' had been pleaded. The Parliament Law of Privi-  
 ' lege is *Lex Terræ*, as much as any Law used in  
 ' *Westminster Hall*, and my Lord *Clarendon* gives us  
 ' an

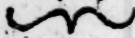
an Account of Privilege in the first Volume of his A. C.  
 History, Page 310, 311, 312. If it was Privilege of 1703.  
 the House before, then how comes it that *Ashby* was  
 not committed, who was the Ring-leader, but is *Rush-*  
 still at Liberty? Another Observation upon this worth  
 Return is, that they do not say for a Breach, but in *Collections*  
 Breach, neither do I see how bringing an Action at 3 Vol. 438.  
 Law in one Court, is in contempt of another 725-730.  
 Court. This Court here can hold Plea in any Acti-  
 on whatsoever; the House above cannot award  
 Process there, and then I cannot see how a Man Su-  
 ing here, can be guilty thereby of a Breach of the  
 Privileges of that Court. These Words are terrible,  
 and would affrighten Men, when said, in Contempt  
 of the Privileges of the House of Commons, because  
 every Man is bound to maintain them in their Law-  
 ful Privileges. No doubt but they can commit in  
 any Case of Privilege, or for a Contempt committed  
 in their Court, but when the Fact is mentioned,  
 and the Cause is a just Cause of Action at Law, no  
 doubt but the proceeding in such Action is just, and  
 no Contempt, such an Action being grounded on  
 the Common Law. As to my Lord *Shaftsbury's*  
 Case, it was for Facts being done in the House, and  
 the House may at any time commit a Man for a  
 Contempt in the face of the House, whereas the  
 Prisoners are committed, not for a Breach of Privi-  
 lege or Contempt, but because they have brought  
 their Actions which are legal, and so adjudg'd by  
 the Lords in the Writ of Error. To conclude, the  
 Case of the Lord *Banbury* is considerable with me.  
 He Petition'd the House of Lords to sit, and also to  
 have the King's leave. The Lords determin'd he  
 was not a Lord, yet when he was brought upon an  
 Indictment by the name of *Charles Knowles*, Esq; he  
 here Pleaded, and Insisted that he was a Peer, which  
 Plea was allow'd, and he was not Try'd. Tho' the  
 L — C — J — H — judgment was so clear, so  
 solid, and so convincing, yet the other three Judges  
 being of a contrary Opinion, the Majority prevail'd,  
 and so the Prisoners were remanded to *Newgate*.  
 The Prisoners re-  
 manded to  
 Newgate.

This Affair making a great Noise, and the Heroi-  
 cal Resolution of the Lord Chief Justice being no  
 less generally Applauded, than his Integrity, Pene-  
 tration and Learning universally acknowledg'd, the  
 Com-



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1703.



\* Feb 24.

Votes of the

Commons

relating to

the Affairs.

Commons took great Offence at the bringing those Writs of *Habeas Corpus*. But what incens'd them yet more, was the Behavior of *John Paty*, and *John Oviat*, two of the Prisoners, who thinking themselves wrong'd in their being remanded to *Newgate*, humbly petition'd the Queen for a Writ of Error, in order to bring the Judgment of the Court of *Queen's Bench*, before her Majesty in Parliament. The Commons were no sooner inform'd of these Petitions, than they \* made the following Votes.

Resolved,

' That an humble Address be presented to her Majesty, humbly to lay before her Majesty the undoubted Right and Privilege of the Commons of *England*, in Parliament Assembled, to commit for Breach of Privilege; and that the Commitments of this House are not Examenable in any other Court whatsoever: And that no such Writ of Error was ever brought, nor doth any Writ of Error lie in this Case. And that as this House hath expressed their Duty to her Majesty, in giving Dispatch to all the Supplies, so they have an entire Confidence in her Majesty's Goodness and Justice, That She will not give leave for the bringing any Writ of Error in this Case, which will tend to the Overthrowing the Undoubted Rights and Privileges of the Commons of *England*.

Ordered,

That the said Address be presented to her Majesty by such Members of this House, as are of her Majesty's most Honourable Privy Council.

Resolved,

' That whoever has Abetted, Promoted, Countenanced, or Assisted the Prosecution of the several Writs of *Habeas Corpus* brought for the Prisoners committed by this House, and since their being remanded have endeavoured the procuring Writs of Error, are guilty of Conspiring to make a Difference between the Lords and Commons in Parliament Assembled, are Disturbers of the Peace of the Kingdom, and have endeavour'd, as far as in them lay, to overthrow the Rights and Privileges of the Commons of *England* in Parliament Assembled.

Ordered,

' That a Committee be appointed to examine what

Persons

## Queen ANNE's Reign.

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Persons have been concerned in Solliciting, Prosecuting, or Pleading upon the Writs of *Habeas Corpus*, or Writs of Error, on the behalf of the Persons committed to *Newgate*, for Breach of the Privilege of this House; or what other Persons have Promoted or Abetted the same.

An Address having been presented to the Queen, pursuant to the first of these Resolutions, her Majesty was pleas'd to † return the following Answer.

† Feb. 26.

HER Majesty is much troubled to find the House of Commons of Opinion, That Her granting the Writs of Error, mentioned in their Address, is against their Privileges, of which Her Majesty will always be as tender, as of Her Own Prerogative; And therefore the House of Commons may depend Her Majesty will not do any thing to give them any just Occasion of Complaint: But this matter relating to the Course of Judicial Proceedings, being of the Highest Importance, Her Majesty thinks it necessary to weigh and consider very Carefully, what may be proper for Her to do in a Thing of so great Concern.

*The Queen's Answer to the Commons Address, concerning the Writs of Error.*

The same day her Majesty's Answer was reported by Mr Secretary *Hedges*, the Commons proceeded to carry on their Resentments to greater Extremities, and having continued sitting till the Evening, they Voted, 'That Mr. *Francis Page*, Mr *James Montague*, Mr. *Nicholas Lechmere*, and Mr. *Alexander Denbary Men*, in Pleading upon the return of the *Habeas Corpus*, on behalf of the five Prisoners Committed by this House, were Guilty of a Breach of Privilege; and ordered them to be taken into Custody of the Serjeant at Arms attending the House. And, tho' they had resolv'd before, to take Her Majesty's Answer into Consideration, yet being apprehensive lest Her Majesty should grant the Writs of Error, whereby the five *Ailesbury Men* might be discharg'd from their Imprisonment, they order'd them to be remov'd from *Newgate*, and taken into the Custody of their Serjeant at Arms, 'which Order was executed at Midnight, with such Circumstances of Severity and Terror, as have been seldom exercised towards the greatest Offenders.

*Votes of the Commons against the Council for the Ailesbury Men. Feb. 26.*

*The Ailesbury Men remov'd from Newgate.*

'The

A. C.

1704.

See the  
Lords Ad-  
dress to the  
Queen a-  
bout the  
matter.

'The Lords were so solicitous to avoid any  
'thing which might give a pretence to interrupt the  
'necessary and early Provision for the War, in order  
'to improve the wonderful Successes God had gi-  
'ven to Her Majesty's Arms, that tho' they were  
'sensible of the Imprisonment of these Men, in the  
'manner, and upon the Pretence above-mention'd,  
'was a manifest Attempt to elude the Judicature of  
'Parliament; and of pernicious Example to the Li-  
'berty and Property of the Subject; yet they forbore  
'to take notice of it, till they were, in a manner en-  
'forced by Petitions from the Prisoners, presented  
'the 24th of February, and by the unjustifiable Pro-  
'ceedings of the House of Commons the same day.  
'But then the Lords found it absolutely necessary to  
'enter into a Consideration of the whole matter, as it  
'appeared to Them, and upon the 27th of February,  
'they came to the following Resolutions.

1. *That neither House of Parliament has any Power, by  
any Vote or Declaration, to create to themselves  
any new Privilege, that is not Warranted by the known  
Laws and Customs of Parliament.*

2. *That every Freeman of England, who apprehends  
himself to be Injured, has a Right to seek Redress by Acti-  
on at Law, and that the Commencing and Prosecuting an  
Action at Common Law against any Person (not entitled  
to Privilege of Parliament) is no Breach of the Privilege  
of Parliament.*

3. *That the House of Commons in Committing to New-  
gate Daniel Horne, Henry Bass, and John Paton Jun.  
John Paty and John Oviat, for Commencing and Pro-  
secuting an Action at Common-Law against the Constables  
of Aylesbury, for not allowing their Votes in Election of  
Members to serve in Parliament, upon Pretence that their  
so doing was contrary to a Declaration, a Contempt of the  
Jurisdiction, and a Breach of the Privilege of that  
House, have Assumed to themselves alone a Legislative  
Authority, by pretending to Attribute the Force of a Law  
to their Declaration, have Claimed a Jurisdiction not  
Warranted by the Constitution, and have Assumed a new  
Privilege, to which they can shew no Title by the Laws  
and Customs of Parliament, and have thereby, as far as in  
them lies, subjected the Rights of Englishmen, and the*  
Free-



*Freedom of their Persons, to the Arbitrary Votes of the House of Commons.*

4. That every Englishman, who is Imprisoned by any Authority whatsoever, has an Undoubted Right, by his Agents or Friends to apply for, and obtain a Writ of Habeas Corpus, in order to Procure his Liberty, by due Course of Law.

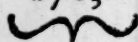
5. That for the House of Commons to Censure or Punish any Person, for assisting a Prisoner to procure a Writ of Habeas Corpus, or by Vote or otherwise, to deter Men from Solliciting, Prosecuting or Pleading upon such Writ of Habeas Corpus in behalf of such Prisoner, is an Attempt of Dangerous Consequence, a Breach of the many good Statutes provided for the Liberty of the Subject, and of Pernicious Example, by denying the necessary Assistance to the Prisoner, upon a Commitment of the House of Commons, which has ever been allowed upon all Commitment by any Authority whatsoever.

6. Resolved, That a Writ of Error, is not a Writ of Grace, but of Right; and ought not to be denied to the Subject when duly applied for, (tho' at the request of either House of Parliament) the denial thereof being an Obstruction of Justice, contrary to Magna Charta.

These Resolutions were deliver'd to the Commons <sup>Conference</sup> at a Conference the 28th of February, and they took <sup>between</sup> time to consider of them till the 7th of March, upon <sup>both Houses</sup> which Day, at their desire, a second Conference was <sup>about that</sup> had. What was deliver'd by the Commons at that <sup>matter.</sup> Conference, consisted chiefly of Injurious Invectives and Expostulations against the House of Lords, about their Proceedings in this matter, and tedious Recitals of Precedents, in no sort applicable to the present Subject of Debate. But tho' it seem'd apparent that the design of the Commons was either to provoke the Lords to such a Degree, as might necessitate them to break off all manner of Correspondence, or, by engaging Them in new Matters, to draw Things to such a length, as might prevent the Bringing these Debates to any Issue, during this Session; yet the <sup>Account of</sup> Lords immediately desired a Free Conference, which <sup>the Free</sup> was had with the Commons the 9th of March, and <sup>Conference,</sup> of which their Lordships published the following Account. <sup>March 9.</sup>

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1704.



THE House of Commons made two Ojections to the Manner in which the Lords proceeded the first Conference: They said, They had Anticipated all Debates by delivering positive Resolutions, whereas this is the proper and ordinary Method of Proceedings between the two Houses: When one House has form'd an Opinion, they Communicate it to the other, to the End that if it be found reasonable it may be approved, or if upon Examination it be disliked, the Causes of the Disagreement may be shewn, in order to Convince the other House of their Mistake. The second Objection made to the manner of the Lords Proceedings was, That the Resolutions were grounded upon the Petitions of Criminals, who had fallen under the just Displeasure of the Commons, and upon a printed Paper not regularly before the House of Lords. As to the first Part of the Objection, the Lords did (as just Judges always do) consider the matter of the Petitions, and not the Persons of the Petitioners. And as to the second Part, the Lords said, The printed Paper mentioned by the Commons, was the Votes of the House of Commons, of the 24th of *February*, Signed by the Speaker. If the Commons had disown'd that Paper, there had been some weight in this Objection, but if they think it regular to Print and Publish their Votes to the People, the Lords will always think it regular to take notice, and make Use of those Papers, as they see occasion; and it seemed strange for the Commons to object to the taking notice of their Votes, when the only Colour they have hitherto pretended for their first Displeasure at the five Prisoners was, That they did not take notice of some Votes of theirs (which they call their Declaration) made during their last Session: And the printing their Votes is the only method they have yet taken, for the Promulgation of the new Laws they take upon them to make: The Lords had no occasion to say any thing in defence of their first Resolution, because the Commons did not think fit to Avow in Words, that they had a Power to create new Privileges by their Votes, tho' they have manifestly attempted it in Practice, and particularly in the case of the five Prisoners. As to the unjust Reflections which

which the Commons made upon the House of Lords, as if they had entertain'd Original Causes, and were Guilty of some Encroachment in Hearing Appeals from Courts of Equity. The Lords Avow'd their Claim of a Jurisdiction, in Hearing and Determining Appeals from Courts of Equity, and could shew a continued Exercise of it more Antient than the Determination of Elections in the House of Commons, which yet the Lords do not go about to call in Question; but they deny their having meddled with any original Causes, or that the Case particularly mentioned by the Commons, was at all of that Nature. The Lords did not understand what the Commons meant, by saying, The Lords had founded their second Resolution upon an Extrajudicial Vote. The Judgment in the Case of *Ashby* and *White*, was given with great Deliberation, and founded upon undeniable Reasons, and unquestionable Authorities: And the Lords condescended so far in that Matter, as to direct the State of that Case, and the Grounds of that Judgment to be drawn up and printed. The second Resolution of the Lords consists of two Assertions: *First*, That every Man who apprehends himself to be Injur'd, has a Right to seek Redress by Action at Law. *Secondly*, That the Prosecuting Actions at the Common-Law, against any Person, not entitled to Privilege of Parliament, is no Breach of Privilege. What the Commons objected to the Universality of the first Part of that Resolution, as if it would destroy all Distinctions of Courts, and make a Confusion of Jurisdictions, did arise only upon a plain Mistake. The Lords mentioned Actions in general, without confining what they said to Actions at Common-Law, or affirming that Actions for all sorts of Injuries, may be brought in any one Court. As to the Insinuation that the Lords had no other Aim than to extend their own Jurisdiction, by the seeming Regard and Tenderness they shew'd for the Rights and Liberties of the People; The Answer is, The only just way of Interpreting Men's Meaning, is by observing what they Act. The Lords have Acted with true Regard to Liberty and Property on this Occasion, as well as in all others: They have Vo-

luntarily



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‘ Juntarily own’d themselves to be restrain’d, at the  
‘ same time they desire the Commons not to go about  
‘ to Create New Privileges: The Lords claim’d no-  
‘ thing New, and the Commons cannot with Reason  
‘ desire them to give up what the Law and the Con-  
‘ stitution have placed in them, the Judicature in the  
‘ last Resort: The Principal thing insisted upon by  
‘ the House of Commons against this Resolution, was,  
‘ That there are Privileged Cases, as well as Privi-  
‘ leged Persons, but they did not think fit to give any  
‘ Instances of such Privileged Cases, as were any  
‘ ways applicable to the Matters, in Dispute, that is,  
‘ that were so entirely of the Cognisance of the House  
‘ of Commons, that the bringing an Action at Com-  
‘ mon Law in those Cases, was a contempt to the  
‘ House of Commons; and unless that could be done  
‘ this Distinction of Privileged Cases from Privi-  
‘ leged Persons, will have no Weight to justify the  
‘ Commitment of the Five *Ailesbury*-Men: If Men  
‘ mistake, and bring Actions in *Westminster-Hall*, for  
‘ matters cognizable in Parliament, so that they can  
‘ have no Relief in the Courts below, it does not fol-  
‘ low from thence, that they ought to be Committed  
‘ for Breach of Privilege on that Account. The  
‘ Determining of Elections is admitted to be the Busi-  
‘ ness of the House of Commons, and yet it is certain  
‘ that the Prosecuting Actions at Common Law for  
‘ False or Double Returns, was never thought to be  
‘ a Contempt to the House of Commons, nor was a-  
‘ ny Body Punished or Committed upon that Account,  
‘ in the Cases of Sir *Samuel Barnardiston* and Mr *On-  
‘ slow*. The Freedom of Speech in Parliament is the  
‘ most necessary, and the most acknowledged Privi-  
‘ lege of the House of Commons: And yet when an  
‘ Information was brought in the *King’s-Bench* against  
‘ Sir *John Elliot* and others, for Words spoken in the  
‘ House of Commons, and Judgment was given a-  
‘ gainst them in that Court; the Commons did not  
‘ think it sufficient to condemn that Judgment by  
‘ Votes of their own House, but brought those Votes  
‘ up to the Lords, and desired their Concurrence,  
‘ which was given; and immediately thereupon a  
‘ Writ of Error was brought in Parliament, and  
‘ the Judgment regularly Reversed there: And it can-

not

not be denied, that upon this Occasion the most valuable Privilege of the House of Commons was brought under the Judgment of the Lords, as well in their Judicial, as in their Legislative Capacity. The Case of *Richard Strode*, and the Act of Parliament which passed upon that Account, in the Fourth Year of King *Henry* the Eighth, was that which was principally insisted on by the House of Commons, in the Case of Sir *John Elliot*, for justifying their undoubted Privilege of Freedom of Speech, and shewing the Injustice of what was done in that Case by the Court of Kings Bench. The Case of *Strode* might be used by the Lords as another Instance to shew; That this Distinction of privileged Cases will not serve the Purpose of the House of Commons, to justify the Commitments of the *Ailesbury* Men. He was Prosecuted in the Stannary-Courts for words spoken, and Bills offer'd in the House of Commons, in order to be passed into Laws, and upon that Account was Imprisoned and Condemned to pay considerable Sums, and Petitioned the House of Commons to be relieved in that Matter: The House of Commons did not then pretend to put a stop to those Suits, or to commit the Persons concern'd in them, but thought the only Remedy against those Prosecutions, and others of like sort, was to prepare a Bill in order to be passed into a Law, for making Void the Judgments against *Strode*; and took that occasion by the same Bill to declare the Law in general, and to give an Action to all Persons who should be afterwards Vexed or Molested for the like Causes, in which they should recover Treble Damages and Costs of Suit. There is no Case, that can more properly be called a Privileged Case, with respect to the House of Peers, than the determining of Peerage, and yet if that Matter comes to be Incidentally a Point, in any Case depending in the Courts in *Westminster-Hall*, they must proceed to determine of it, as they think the Law to be, and the Lords have not gone about to hinder it, nor found fault with them upon that Account. The Courts in *Westminster Hall* must of necessity Judge of the Privileges of Parliament in many Cases:

## The ANNALS of

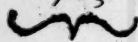
When any Person prays a Writ of Privilege (which was always the way Antiently, when Men desired the benefit of Privilege, and it is often practised yet upon Occasion) the Court where the Writ is prayed must Judge, whether the Party has Right to Privilege or not. Suppose the Serjeant of the House of Commons should kill, or be kill'd, in the Execution of a Warrant of that House, upon an Indictment for Murder, the Court must necessarily Judge of the Legality of the Warrant. The Commons supposed Cases of Affronts to the Person of the Speaker, or of reproachful Words spoken of the whole House of Commons, as Instances of what they called privileged Cases. There is no doubt, but either of these Cases would be contempts, and such as might be punished by the House, but most certainly, these were also such Offences as might be prosecuted in *Westminster-Hall*: And if the Attorney-General should bring Informations upon them, it could never be pretended, that he would be Guilty of a Breach of Privilege of the House of Commons. It was urged, that in Privileged Cases, the Votes of the House of Commons were like Prohibitions to Ecclesiastical Courts, and that when Prohibitions were served upon the Judges in the Admiralty, or Ecclesiastical Courts, it was a Contempt for them to proceed farther. The Answer to this is, that Prohibitions to the Ecclesiastical and Admiralty-Courts were founded upon a particular Reason: The Proceedings in those Courts are according to the civil or canon Law, and therefore it was necessary to preserve the Constitution, and restrain those Courts from making Invasions upon the common Law, that a Guard should be set upon them, and a Power fixt to restrain them; and this Power is lodged in the Courts of *Westminster-Hall*, who are trusted with the Issuing Writs of Prohibition, to the Ecclesiastical and Admiralty Courts from time to time, upon Complaints made to them: And these Writs of Prohibition, must be served personally upon the Judge of the Admiralty, or the Ecclesiastical Judges, who will be liable to Attachments if they proceed after such Service, until such time as they have shewn the



' the Nature of the Suit to the Courts from which  
 ' the Prohibition Issued; and if the Suit be properly  
 ' of Ecclesiastical, or Admiralty Conusance, the  
 ' Court must Grant a Consultation whereby they are  
 ' at Liberty to proceed again. This is a known and  
 ' settled method of legal Proceedings, but the Votes  
 ' of the House of Commons were never yet resem-  
 ' bled to the Queen's Writs: No Court is bound to  
 ' take notice of them, on the contrary the Judges are  
 ' bound not to take notice of them, but to act ac-  
 ' cording to the known Law; no Body has Power to  
 ' prohibit the Courts in *Westminster-Hall*, the Judges  
 ' there are sworn to proceed to do Justice, notwith-  
 ' standing any command under the Great Seal, or  
 ' Privy Seal, or by any other Authority whatsoever:  
 ' And the Subjects of *England* have no longer an Inhe-  
 ' rittance in the common Law, if the Judges are to  
 ' take notice of the Votes of either House of Parlia-  
 ' ment, and regulate their Judgments accordingly.  
 ' The Votes would not always be Uniform in either  
 ' House, and it appears by the present Dispute, that  
 ' the two Houses might often differ in Matters of Im-  
 ' portance, and the Judges would be under difficulty  
 ' which of the Houses to obey: And if they yielded  
 ' Obedience to both, they would be obliged to act  
 ' very contradictorily. What was said against the  
 ' third Resolution of the Lords was, First, That  
 ' thereby the Lords took upon them to Judge of the  
 ' Commons Privileges: To this it was said, That if  
 ' the House of Commons, under the Name of Privi-  
 ' lege, would proceed to do things Inconsistent with  
 ' the known Prerogatives of the Crown, with the  
 ' known Privileges of the Lords, contrary to the  
 ' Laws, or destructive to the Liberties of the People,  
 ' the Lords were bound to tell them, these were  
 ' not their Privileges. If by saying, they only are  
 ' Judges of their own Privileges, they would deprive  
 ' the Crown, and the Lords from taking notice of  
 ' Manifest Innovations, and objecting to them, as  
 ' there was occasion, the Commons might take to  
 ' themselves the whole Government without Con-  
 ' troul. They were challenged to produce Precedents  
 ' to warrant the Commitments of Men. only for  
 ' proceeding in Suits at Law against those who had  
 ' done them wrong, and had no pretence of Privi-  
 ' lege.

A. C.

1704.



lege. The Lords did not dispute the Power of the Commons, in examining and determining the Elections of their own Members, nor of enquiring into all Matters relating to the Determination of that Question, particularly their Examining into the Qualifications of Electors, and agreed that what they determined, would be binding, as to the Right of the Member to sit in the House: But that Determination would not bind the Right of any Elector, for he was no Party to that dispute of the Election, he was not heard for himself, nor was his Cause in Agitation before the House; and the Action brought by the Elector, has no manner of relation to the sitting of the Member, but is only for Recovery of Damages upon account of the particular Injury done him by the Officer at the Election. Suppose there was a Contest about two Persons, which was Mayor of a Town, the Court where that Cause was tried in order to a Determination of the Right, must perhaps Examine into the Rights of those who voted; but would it be pretended, that the Electors would be bound by the Opinion of the Court in that Case, and that they could not bring their Actions to recover Damages against the Officer who wilfully refused their Votes, however, the Question was decided as to the Mayor? So that it was begging the Question to pretend, that because the House of Commons can try the Right of the Member to sit, therefore they only have a Power to decide finally the Rights of the several Electors. There is no weight in the Objection, That if these Suits were allowed, the Officers who are obliged to take the Poll, would be exposed to multiplicity of Actions. The Law is so in all Cases of Elections of Officers: He, who is to take the Poll, is bound to do his Duty at his Peril; If he acts with an honest Intention, tho' he should be guilty of a Mistake, he is in no Danger, for no Jury ought to find him Guilty: But if an Officer wilfully and maliciously refuses to admit those who have Right to give their Votes, every one of them may sue him in any proper Court as they see Cause, and the more he wrongs, the more he ought to suffer. And which would be the greater Mischief, That the Officer, who does Injustice should

be



'be subject to Actions, or that he should be at liberty to reject as many rightful Votes as he thinks fit, without being liable to make any Reparation, and which is the part a House of Commons ought to take? The Lords observ'd, that the natural Order of things seem'd to be quite inverted in this Dispute; the House of Commons were taking part against the Freedom of Law, against the Liberty of Men's Persons, and against the Right of their Electors. As to the several Precedents insisted upon, they conclude nothing to the present Question, every one of them relating to the Right the House of Commons claims of determining the Elections or Returns of their Members, which they are in the quiet Possession of; and the general Expressions which are found in the Relation of those Precedents, can be understood only with respect to the Subject Matter of those Cases.

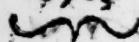
'The Lords never disputed the Commons Power of Committing for Breach of Privilege, as well Persons who are not of the House of Commons, as those who are: The Question is only, Whether a Matter that has no Relation to the Sitting of any Member in Parliament, may be made a Breach of Privilege, by being call'd so in a Vote, or having that Name given to it in a Warrant of Commitment: That is, in other words, Whether they have Power to create to themselves New Privileges by their Votes; for they will never be able to prove an usage of committing Men for resorting to Law in such cases, and it will be hard for them to convince those whom they represent, that this Arbitrary oppressing poor Men, is, or can be understood to be only an interposing to preserve the Rights and Liberties of the People of *England*.

'The Commons did not deny the Lords fourth Resolution, otherwise than by saying, That the Application was to be made to the proper Place, and that where the Commitment is by the House of Commons, there is no place to apply to for Liberty but that House. The Lords thought this to be a Position very fatal to Liberty, for it places an Arbitrary and Absolute Power of Commitment in the House of Commons. Tyranny may be in many as well as in a single Person: The Thirty



A. C.

1701.



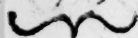
‘Tyrants of *Athens* carry that Name with as heavy an Imputation as any single Person. The Lords never said, That every Prisoner who brings his *Habeas Corpus* ought to be discharged, or that there are not cases excepted out of the *Habeas Corpus* Act; what they insist upon is, That a Prisoner brought before a proper Court by *Habeas Corpus*, where it does appear that the Matter he stands committed for is no Crime in Law, ought to be discharged by whatsoever Authority he was committed, or by whatsoever Name the Fact is called in that Commitment. Several Precedents were mentioned by the Commons. First, The Case of one *Jones*; but it did not appear who he was, nor what his Case was, nor who would have taken him from the Commons, and therefore there can be no pretence to draw any Inference from such a Precedent. The Lords wondred to find any Weight laid on the Votes passed in the Year 1675. It is well known the Kingdom was at that time generally grown weary of that Parliament, which had been continued above Thirteen Years, and there was a great Number in both Houses, who watched for any Advantage to make their longer continuance Impracticable. And there hapning a Question at that time, whether there might be a proceeding in Appeals before the House of Lords, in cases where Members of the House of Commons were Parties; this was so managed, that in about a Month’s time, Matters were grown to such a height between the two Houses, that all Correspondence was, in a manner, broken off between them; and they proceeded to make such Votes, and to do such Acts from day to day on either side, as they thought would most provoke. The Commons Cited some of these Votes which were passed in their House towards the height of the Contest, and the Lords might as well have cited other Votes of the House of Lords, in Contradiction to them which were altogether as high, and are at least of as much Authority as those of the House of Commons: So that it is hard to imagine, what Use there can be of citing such Precedents, which did occasion two Prorogations, one after the other, and must always have as bad Consequences whenever they are followed.

‘The

'The House of Commons took the same Excepti-  
 'on to the Lords Fifth Resolution, as they did to  
 'their Third; That they therein made themselves  
 'Judges of the Privileges of the House of Com-  
 'mons: And the Lords contented themselves with  
 'giving them the same Answer. What the House of  
 'Commons said in respect to their censuring and pu-  
 'nishing the Counsel, who pleaded at the *Queen's*  
 '*Bench-Bar*, upon the return of the *Habeas Corpus* in  
 'behalf of the Prisoners, seem'd very remarkable,  
 'That it was because they were not so modest as to  
 'Acquiesce in the Opinion of the Lord Keeper, and  
 'the Judges, that the Prisoners were not Bailable by  
 'the *Habeas Corpus* Act; and they would not have  
 'taken Notice of them, but because they would not  
 'rest satisfied, but would bring on the Cause again,  
 'where the Privileges of the House of Commons  
 'were with great Licentiousness of Speech denied  
 'and insulted in publick Court; without any hopes  
 'or prospect of Relief of the Prisoners, but in order  
 'to vent New Doctrines against the Commons. This  
 'seemed to be a kind of excuse for the committing of  
 'the Counsel, but it does in no sort agree with the  
 'Votes relating to this Matter, which passed in ge-  
 'neral Terms, and may be cited for Precedents here-  
 'after, for committing Counsel (with as good Rea-  
 'son, as the Votes in 1675.) when these secret Mo-  
 'tives, which induced the House of Commons in  
 'this Case, will not appear. The Vote of the 24th  
 'of February, ordered the Committee to Examine  
 'what Persons had been concern'd in pleading upon  
 'the Writ of *Habeas Corpus*, not what was said by  
 'Counsel in their Pleadings, and the Votes against  
 'the several Gentlemen of the 26th of February, are,  
 'That by pleading upon the Return of the *Habeas*  
 '*Corpus* on behalf of the Prisoners, they were guilty  
 'of breaking the Privileges of the House of Com-  
 'mons. It does not appear that there was any com-  
 'plaint of what they said, at least there was no Vote  
 'against them for their words; and indeed, if the  
 'charge against them had been for words supposed  
 'to be spoken, it would have been a most unaccount-  
 'table Hardship to have hurried them into Custody,  
 'without ever bringing them to the House to hear  
 'their Accusation, or to be heard as to what they  
 'had

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' had to say for themselves. It does not appear that  
 ' these Gentlemen were ever heard, or indeed were  
 ' at all concerned, as to the Writs of *Habeas Corpus*,  
 ' brought before the Lord Keeper, and the Judges in  
 ' the Vacation-time : But suppose they had, and sup-  
 ' pose they were satisfied, That as the *Habeas Corpus*  
 ' Act was drawn, these Men might not be so clearly  
 'ailable by the Judges in Vacation-time, by virtue  
 ' of these Writs which were form'd upon that Sta-  
 ' tute ; and yet they might be of Opinion, That  
 ' the Prisoners had a reasonable Prospect of obtain-  
 ' ing Relief upon Writs of *Habeas Corpus* brought at  
 ' common Law. If they thought so, it was not up-  
 ' on slight Grounds, as appear'd by the Consequence ;  
 ' for the Lord Chief Justice of the Court of *Queen's*  
 ' *Bench*, whose Learning and Judgment is well-  
 ' known, and as universally esteem'd as his Integrity,  
 ' was clearly of Opinion, That they were entitl'd  
 ' to the Relief they prayed for their Clients. The  
 ' Commons may give what hard words they please  
 ' to these Gentlemen's appearing to plead in behalf  
 ' of the Prisoners upon the Writs of *Habeas Corpus* ;  
 ' They may call it Inveteracy shewn to the Com-  
 ' mons, and a conspiring to make a Difference be-  
 ' tween the two Houses, and to disturb the Peace of  
 ' the Kingdom : But after all that can be said, the  
 ' Fact will only be, That four Gentlemen, Lawyers  
 ' by Profession, Retained in a Case of Liberty upon  
 ' a *Habeas Corpus* brought by five poor Prisoners, did  
 ' their Duty in their Profession ; and for doing so,  
 ' were themselves Imprisoned by the House of Com-  
 ' mons, and denied the Benefit of the *Habeas Corpus*  
 ' Act : And this the House of Commons call'd, *Do-*  
 ' *ing Right to their Body*. No Lawyer has suffer'd  
 ' for serving his Client even against the Crown : If  
 ' the learned in that Profession may safely open the  
 ' Law when the Prerogatives of the Crown are in  
 ' Question, it will seem very hard they should be  
 ' punished for doing it in a Case of Privilege. To  
 ' deprive Men under restraint of Assistance of their  
 ' Friends, exceeds the severity of any Court but that  
 ' of the *Inquisition*, the very name of which ought  
 ' to strike all *Englishmen* and Protestants with Hor-  
 ' ror. The last Resolution of the Lords was not con-  
 ' tradicted by the House of Commons, and therefore  
 ' the



'the Lords took it for granted, that as it was no  
'longer contested, but that a Writ of Error is a Writ  
'of Right, and not of Grace; consequently, that the  
'Commons did no longer insist upon that part of  
'their Address, That the Queen would not give  
'leave for a Writ of Error. As to what was said by  
'the Commons, That it was not material whether  
'Writs of Error were of Grace or not, because they  
'did not lie in the case of the Petitioners: The  
'Lords said, That whether the Writs of Error could  
'be maintained or not in point of Law, was not of  
'the Conusance of the House of Commons, nor the  
Matter in dispute between the two Houses.

'Tis not to be wonder'd that this free Conference  
ended without Success, when the Commons came to it  
with such a temper as appears by the Votes they made  
the day \* before, after they themselves had consen- \* March 8.  
ted to the free Conference. For upon Information  
that their Serjeant at Arms had been serv'd with  
two Writs of *Habeas Corpus* returnable before the  
Lord-Keeper, in behalf of Mr. *Montague*, and Mr.  
*Denton*, two of the Gentlemen who had been of  
Counsel with the Five Prisoners, they came to these  
Resolutions, 'That no Commoner of *England*, com-  
'mitted by the House of Commons for Breach of  
'Privilege, or contempt of that House ought to be  
'by any Writ of *Habeas Corpus*, made to appear in  
'any other Place, or before any other Judicature,  
'during that Session of Parliament, wherein such  
'Person was so committed; that the Serjeant at  
'Arms attending that House do make no Return,  
'or yield any Obedience to the said Writs of *Habeas*  
'*Corpus*, and for such his Refusal, that he have the  
'Protection of the of House Commons; and that the  
'Lord-Keeper be acquainted with the said Resoluti-  
'ons, to the end that the said Writs of *Habeas Cor-*  
'*pus* might be superseded, as contrary to Law, and  
'the Privilege of the House. Five days † after,  
the Commons order'd the Report of the free Confe- † March  
rence, which was made by Mr. *Bromley* to be en-<sup>13.</sup>  
tered upon the Journals; Resolved, 'That the Pro-  
'ceedings of the House in Relation to the *Ailesbury*  
'Men committed by the House for Breach of Privi-  
'lege, and the other Proceedings of that House in  
'that Matter, were in Maintainance of the ancient  
'and

The Com-  
mons Votes  
against the  
Writs of  
*Habeas*  
*Corpus*  
serv'd to  
their Ser-  
jeant.

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14.The Lords  
Representa-  
tion and  
Address.

‘and undoubted Rights and Privileges of the  
 ‘Commons of *England*; and order’d all the Pro-  
 ‘ceedings in Relation to the *Ailesbury* Men, the  
 ‘Report of the Lords Journal, and the Report of  
 ‘the Conferences, and of the free Conference to be  
 ‘printed. The next † day the Lords attended the  
 ‘Queen with an humble Representation and Address,  
 ‘wherein having recited the Matter of Fact relating  
 ‘to this Affair, they laid before her Majesty, ‘That  
 ‘the Proceedings of the House of Commons against  
 ‘the *Ailesbury* Men, were wholly new and unprece-  
 ‘dented. It is the Birth right, added they, of every  
 ‘*Englishman*, who apprehends himself to be Injured,  
 ‘to seek for Redress in Your Majesties Courts of Ju-  
 ‘stice: And if there be any Power can controul this  
 ‘Right, and can prescribe when he shall, and when  
 ‘he shall not be allowed the Benefit of the Laws, he  
 ‘ceases to be a Freeman, and his Liberty and Pro-  
 ‘perty are Precarious. The Crown lays claim to no  
 ‘such Power; and we are sure the Law has trusted  
 ‘no such Authority with any Subjects whatsoever.  
 ‘If a Man mistakes his Case, in believing himself to  
 ‘have a good Cause of Suit when he has not, if he  
 ‘mistakes his Court, by applying to an Incompe-  
 ‘tent Jurisdiction, he will fail of Relief, and be lia-  
 ‘ble to Costs, but to no other Punishment; He is  
 ‘not guilty of a Crime, nor is it a contempt of the  
 ‘Court that has the proper Jurisdiction. But these  
 ‘Men were guilty of no mistake, the Point of Law  
 ‘was settled by the Judgment of that Court, which  
 ‘is allowed to be the last Resort, and this will con-  
 ‘tinue to be the Law, till it be alter’d by the Legi-  
 ‘slative Authority. They saw their Neighbour,  
 ‘*Matthew Ashby*, quietly and unmolested reap the  
 ‘Fruit of the Judgment he had obtained, and yet  
 ‘for pursuing the same Remedy, they are condemned  
 ‘to an Indefinite Imprisonment, during the plea-  
 ‘sure of the House of Commons. This Method  
 ‘does introduce an Uncertainty and Confusion, ne-  
 ‘ver before known in *England*. The most Arbitrary  
 ‘Governments cannot shew more direct Instances of  
 ‘Partiality and Oppression. The Point of Law is  
 ‘Judicially Settled, and yet the House of Commons  
 ‘take upon them to punish Men by Imprisonment,  
 ‘for endeavouring to have the Benefit of what is so  
 ‘Esa-

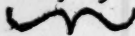
'Established for Law. We humbly observe to Your Majesty, That the first thing they Alledged in the Warrant of Commitment, as the Offence of these five Persons is, That those Actions were brought contrary to a Declaration of the House of Commons. It was never yet heard (when there was a House of Lords in being, and a King or Queen upon the Throne) that the House of Commons alone claimed a Power, by any Declaration of theirs, to alter the Law, or to restrain the People of *England* from taking the benefit of it; nor have their Declarations any such Authority, as to oblige Men to submit to them at the Peril of their Liberty. If they have such a Power in any Case, they may apply it to all Cases as they please; for when the Law is no longer the Measure, Will and Pleasure will be the only Rule. The certainty of our Laws is that which makes the Chief Felicity of *Englishmen*; but if the House of Commons can alter the Laws by their Declarations, or (which is the same thing) can deprive Men of their Liberty, if they go about to take the Benefit of them, we shall have no longer Reason to boast of that part of our Constitution. The next thing Alledged in the Warrant is, That the Commencing and Prosecuting these Actions was a Contempt of the Jurisdiction of the House of Commons. Such a Jurisdiction was never claimed by the House of Commons, till upon this Occasion, and if this Novelty of a Jurisdiction be Founded on their new Authority of Declaring, they will Stand and Fall together. The House of Commons have for a long time exercised a Jurisdiction over their own Members, by Allowing or Disallowing their Elections, as they saw Cause. But they never before entertained a Notion, That they had a Jurisdiction over their Electors, to Determine (finally and exclusively of all other Courts) the particular Rights of those to whom they owe their Being.

'Your Majesties Royal Writ Commands, That the several Electors make choice of Persons to Represent them in Parliament, in order to Do and Consent to such Things, as should be Ordained there, relating to the State and Defence of the Kingdom and the Church, for which the Parliament is called: And they Obey the Command in proceed-



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ceeding to choose Members for the Parliament then Summoned: but neither the Writ which requires them to choose, nor the Indenture by which the Return is made, Import any thing whereby it may be infer'd, That the Electors put into the Power of their Representatives their several Rights of Election, to be finally Disposed of at their Pleasure. It was an Interest vested in them by Laws before the Election, and which the Law will preserve to them, to be exercised again in the like manner, when Your Majesty shall be pleased to Call another Parliament. It was not possible for the Electors to suspect, that such a pretence would ever be set up by their Representatives, when in the Course of so many Ages, the House of Commons had never taken upon them to Try or Determine the Right of any particular Elector, unless Incidentally, and only in order to Decide a Question of the Title of some Member of their own House to Sit amongst them. The Right of Election is a Legal Interest incident to the Freehold, or Founded upon Custom, or the Letters-Patents of Your Majesties Royal Ancestors, or upon particular Acts of Parliament, and must be Tried and Determined like other Legal Interests: And this consideration does manifestly shew the Absurdity of pretending, That such Rights can be Decided by the House of Commons, where there is neither a Power of Administering an Oath, in order to discover the Truth, nor a Power of giving Damages, which is the only Reparation the Elector is capable of receiving in such a Case. Therefore, if the Electors, when they are Deprived of their Rights, have no place to resort to, but the House of Commons, the Right of Election would be a Right without a Remedy, which indeed is no Right at all. And it is put into the Power of the Officers, who have the return of Members to serve in Parliament, to reject the Vores of as many Electors as they please, without being liable to make any Reparation in Damages to the Parties: which is a Notion not very likely to preserve the Freedom and Impartiality of Elections.

The third thing Alledged against these Men in the Warrant of Commitment is, That by bringing these Actions, they have broken the Privilege of the

the House of Commons. A Breach of the Privileges of Parliament is certainly a great Offence; and of all others, the House of Lords ought to be the last, who should go about to Lessen or Excuse it, as having a like Interest with the Commons in the Preservation of the Privileges of Parliament. But however it might seem the Interest of the Lords to be silent, while the House of Commons are setting on foot new pretences of Privilege, because they may share in the Advantage; Yet we think it our Duty and our Interest to do all we can to preserve the Constitution entire, and not to sit quiet, when we see Innovations attempted, which tend to the Diminution of the Rights of the Crown, or to the prejudice of the Subject: Because the best and surest way to preserve the Rightful Privileges of Parliament, is to abide by those that are certain and known, and it is not in the Power of either, or both Houses, to create new Privileges to themselves. It never was thought a Breach of the Privileges of Parliament, to prosecute an Action against any Man, who was not entitled to Privilege of Parliament; and therefore, since the late Constables of *Aylesbury* had no title to Privilege of Parliament, at the time when those Actions were Commenced or Prosecuted, we cannot imagine upon what Foundation, the pursuing these Actions can be Voted a Breach of Privilege by the House of Commons.

It seems very necessary it should be known upon what Rule this pretence is grounded, That the People of *England* may be at a certainty, and see some limits set to the claims of Privilege. To serve the turn it has been said, There are Privileged Cases, as well as Privileged Persons, but no Instance has been produced, whereby this distinction can be applied to justify these Commitments. Actions at Common Law have been brought upon false Returns, and double Returns of Members to serve in Parliament, as in the Cases of Sir *Samuel Barnardiston* and Mr. *Onslow*, which proceeded to Judgment, and a Writ of Error was brought in one of them, and the Plaintiffs could not prevail in either of those Suits; and yet it was never pretended, That the Commencing or Prosecuting these Actions, was a Breach

‘Breach of Privilege of Parliament, nor were the  
 ‘Persons concern’d in them Imprisoned or Censured,  
 ‘though there was a much greater Colour for such a  
 ‘pretence in those Cases; because the Question there  
 ‘directly concerned the Right of Sitting in Parlia-  
 ‘ment, and consequently those would have been in-  
 ‘deed Privileged, if any such Distinction had been  
 ‘once thought of in those Days: Whereas in the  
 ‘Actions brought by these Five Men, neither the  
 ‘Plaintiffs nor Defendants, were Members of Parlia-  
 ‘ment, nor did the Actions relate, in any manner, to  
 ‘to the Right of Sitting there.

‘The Opinion of the House of Commons at that  
 ‘time was very different from what it is now.

‘When the Judgment of the *Kings Bench*, (where  
 ‘Sir *Matthew Hale* sat then Chief Justice) which passed  
 ‘in favour of Sir *Samuel Barnardiston*, that the Action  
 ‘was maintainable, was Reversed in the Exchequer  
 ‘Chamber, the House of Commons was so far from  
 ‘thinking it for their Advantage, to have their Mem-  
 ‘bers deprived of the Benefit of the Common Law.  
 ‘That in the Year 1679. a Committee was appoint-  
 ‘ed to enquire touching the Reversing that Judg-  
 ‘ment, and by whose Procurement and Sollicitation,  
 ‘and by what Ways and Means the same was Re-  
 ‘versed, and the Names of the particular Judges that  
 ‘were concerned: And when afterwards that Judg-  
 ‘ment in the Exchequer Chamber was Affirmed in  
 ‘Parliament, the House of Commons never thought  
 ‘themselves secure against the Corruptions of the  
 ‘Officers, who were to take the Poll, and make Re-  
 ‘turn at Elections, till they had got an Act in the  
 ‘Seventh and Eighth Year of the late King, which  
 ‘gave a Remedy in *Westminster-Hall* for False and  
 ‘Double Returns; so little contented were they in  
 ‘their own Cases with the Jurisdiction of the House  
 ‘of Commons, and the Remedy to be had there,  
 ‘which now they so fiercely contend, their Electors  
 ‘should entirely Acquiesce in: And we cannot but  
 ‘think it manifest Partiality in those Gentlemen, to  
 ‘go about by such violent Means, to deprive their  
 ‘Electors of Recovering Damages, when they are  
 ‘wrong’d in being deprived of giving Votes, since  
 ‘they thought it necessary for themselves to have that

‘Ad.

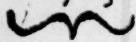


' Advantage, when they are injured in their own Elections.

' The Sufferings of these Unfortunate Men have not ended here, and the Rights of the Free-born Subjects of *England*, have received a further and no less dangerous Wound in their Persons. These five Men having endured a long and chargeable Imprisonment, and despairing of their Liberty any other way, were advised to Sue out Writs of *Habeas Corpus* returnable in Your Majesties Court of *Queens-Bench*, hoping to obtain their Discharge by the help of that Court, where the Judgment ought to be given according to the Laws of the Land, without regard to any Votes or Declarations, or Commands to the contrary: But this Endeavour proved unsuccessful, and they were remanded to *Newgate* by three of the Judges of that Court, contrary to the Opinion of the Lord Chief Justice *Holt*. We shall not presume to offer any Opinion to Your Majesty, upon Occasion of this Judgment, at present, because it is not regularly brought before the House; and we only mention it, because the House of Commons took such Offence at the bringing these Writs of *Habeas Corpus*, That on the 24th of *February* last, they Voted, That whoever had Abetted, Promoted, Countenanced or Assisted the Prosecution of those Writs, were Disturbers of the Peace of the Kingdom, and had endeavoured, as far as in them lay, to Overthrow the Rights and Privileges of the Commons in Parliament. This is a very heavy Charge: and if it be so Criminal a thing for a Prisoner to pray a *Habeas Corpus*, it does not only affect those who are at present concerned, but ought to touch every Commoner of *England*, in the most sensible manner. Liberty of Person is of all Rights the most Valuable, and of which, above all other things, the Law of *England* is most Tender, and has Guarded with the greatest Care, having provided Writs of several kinds, for the Relief of Men restrained of their Liberty upon any pretence, or by any Power whatsoever; that so in every Case they may have some place to Resort to, where an Account may be taken of the reason and manner of the Imprisonment, and the Subject may find a proper Relief according to his Case. No Crime whatsoever

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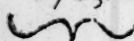
‘does put an *Englishman* into so miserable a Condition, That he may not endeavour, in the methods of Law, to obtain his Liberty ; That he may not, by his Friends and Agents, Sue out a *Habeas Corpus*, and have the Assistance of Solicitors and Counsel, to Plead his Cause before the Court where he is to be brought. The Court is bound by the Law to Assign him Council, if there be Occasion, and to give Judgment upon his Case, as it stands now upon the Return of the *Habeas Corpus*, and to Remand, Discharge or Bail the Prisoner, as the Cause of his Commitment appears there sufficient or insufficient in Law ; and if what is Alledged as the Cause of Imprisonment appears to be no Crime in Law, it is not the Authority of those who made the Commitment can excuse that Court for Remanding the Prisoner. This is the Law of *England* : But according to these Resolutions of the House of Commons, if a Man has the Unhappiness, ( tho’ through Ignorance or Mistake ) to do an Act which shall be Voted a Breach of Privilege, he becomes in a worse Condition than any Felon or Traytor ; his Confinement makes it impossible for him in Prison to Sollicit and Procure a *Habeas Corpus*, and if any have Charity enough to Assist him, or to Plead for him, in order to shew to the Court the Insufficiency of the Commitment in matter of Law, they become liable to lose their own Liberty, and are involved in the same Guilt of Breach of Privilege : So let the Imprisonment be upon the most trifling Occasion imaginable, if it be by Order of the House of Commons, every Commoner must submit to it without Redress ; no Friends can help them, no other Authority can deliver them, till Your Majesty shall put an End to that Session. The Lords have as just a Concern, as the House of Commons can have, to maintain the Authority, and keep up the Awe of Parliamentary-Commitments ; And they will always do it, as far as Justice, and the Usage of Parliaments will allow. There have been Cases, particularly that of the Earl of *Shaftsbury*, where Persons Committed by the House of Lords, even Members of that House, have Sued out Writs of *Habeas Corpus*, and upon the Returns of those Writs, have been brought before the Court

of *Kings-Bench*, and their Counsel have been heard  
on their behalf: And yet no Censure ever passed  
upon them for these endeavours to obtain their Li-  
berty, or upon their Agents, Solicitors or Counsel.  
The House of Commons formerly acted with more  
Reserve upon so nice an Occasion, as the Liberty of  
Subject: For in the Year 1680. when a Writ of  
*Habeas Corpus* was served upon the Serjeant at Arms  
attending the House of Commons, in behalf of  
Mr. *Sheridon*, who stood Committed by Order of  
that House, after the House was made acquainted,  
That such a Writ was served upon their Officer,  
and had entred into very long Debates upon the  
matter, they did not think fit to Interpose, nor to  
pass any Censures upon the Persons concerned in  
procuring the Writ, or in Appearing in behalf of  
the Prisoner; but left the Serjeant at Arms at liber-  
ty to obey the Command of the *Habeas Corpus*;  
which he did accordingly, by carrying his Prisoner  
before the Judge, where the *Habeas Corpus* was re-  
turnable. The House of Commons have in former  
Ages shewn a great and steady Concern for the  
Freedom of the Persons of their Fellow-Subjects:  
And upon their Petitions, many Excellent Laws  
have been made, to protect Liberty against all un-  
lawful Restraints by any Authority, even that of  
the Crown: But now it is insisted, that their own  
Imprisonments are out of the Reach of those Laws,  
and their Legality not to be examined. In the  
Third Year of the Reign of Your Royal Grandfa-  
ther, the House of Commons made a Noble Stand  
for the *English* Liberties, and shewed by undenia-  
ble Evidence, That the Causes of the Imprisonment  
must be Expressed in all Cases, that so it might ap-  
pear, upon the Return of the *Habeas Corpus*, whe-  
ther they were sufficient in point of Law. It could  
not then have been imagined, That the Successors  
of those Men would ever have pretended to an Ar-  
bitrary and Unlimited Power of Depriving their  
Fellow-Subjects of their Liberties, or to Vote it to  
be Criminal, so much as to enquire into the Validi-  
ty of their Commitments. There is another occasi-  
on of Offence, which the House of Commons have  
taken against *John Paty* and *John Oviat*, Two of  
these Prisoners, who thinking themselves wrong'd



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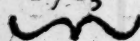
'in their being Remanded to *Newgate*, by the opini-  
 'on of the major number of the Judges. of the Court  
 'of *Queens-Bench*, humbly Petitioned Your Majesty  
 'for a Writ of Error, in order to bring this Judgment  
 'before your Majesty in Parliament: And it is cer-  
 'tain the Subject is never Concluded by any Judg-  
 'ment, till he comes to the last Resort fixed by Law  
 'in that Case. The House of Commons being in-  
 'formed of these Petitions, came to a Resolution,  
 'which they laid before Your Majesty, That the  
 'Commitments of that House were not examinable  
 'in any other Courts whatsoever; That no Writ of  
 'Error lay in this Case; and that as they had ex-  
 'pressed their Duty to your Majesty in giving Dis-  
 'patch to the Supplies, so they had an entire confi-  
 'dence in your Majesty, that you would not give  
 'leave for the bringing any Writ of Error. The  
 'first Position in this Vote is very General, and the  
 'Consequences of it are plain, if the Commitments  
 'of the House of Commons are examinable in no  
 'other Place, then no Man in *England*, how Inno-  
 'cent soever, is secure of his Liberty longer than  
 'the House of Commons pleases; And Men may be  
 'allowed at least to Wish that it were not so, tho'  
 'they may have a very high Opinion of the Justice  
 'of that House. It has been held as an undeniable  
 'Maxim, That whoever executes an Illegal Com-  
 'mand, to the prejudice of his Fellow Subjects, must  
 'be answerable for it to the Party grieved. Let it be  
 'supposed then, That an Action of False Imprison-  
 'ment was brought against the Serjeant of the House  
 'of Commons, and that the Defendant justifies his  
 'taking the Plaintiff into Custody, by virtue of a  
 'Warrant of that House, and it appears upon the  
 'Face of the Warrant, That the Cause of the Com-  
 'mitment was no Crime in Law, and the Plaintiff  
 'Demurs, what must the Judges do in such a Case?  
 'Will it be possible for them to avoid Examining in-  
 'to the Commitment, and so give Judgment one way  
 'or other? Or can it be pretended, That a Writ of  
 'Error may not be brought upon such a Judgment?  
 'And is not the Court, before which the Writ of  
 'Error is brought, under a necessity to do Justice  
 'thereupon, as the Law requires? As to the Second  
 'Thing they have taken upon them to Assert, That

no

no Writ of Error lies in the Case ; we Affirm to your Majesty with great Assurance, That by our Constitution, the House of Commons have no Right or Pretence to Determine whether that be so or not. The Right of Judging when a Writ of Error is properly brought, is by Law entrusted to that Court to which the Writ of Error is directed ; and therefore we shall not at present say any thing to Your Majesty in an Extrajudicial way, and before the proper time, as to that Point, whether a Writ of Error brought upon a Judgment for remanding Prisoners upon a *Habeas Corpus*, can be maintained. Which way that Question will be decided hereafter, when the Writs of Error are returned into the Parliament, is not at all Material, in respect to the Petitions of the Prisoners which now lye before Your Majesty : For unless Your Majesty be pleased to grant the Writs of Error according to their Prayer, the Matter cannot come to the proper Decision in Parliament, and Justice will be manifestly Obstructed. Whether the Writs of Error ought to be granted, and what ought to be done upon the Writs of Error afterwards, are very different things. The only Matter under Your Majesties Consideration is, whether in Right and Justice the Petitioners are not entitled to have the Writs of Error granted.

We are sure the House of Commons, in the Year One thousand six hundred eighty nine, was of Opinion, That a Writ of Error, even in Cases of Felony and Treason; is the Right of the Subject, and ought to be granted at his Desire, and is not an act of Grace and Favour, which may be denied or granted at Pleasure : So that as far as the Opinion of the House of Commons ought to have Weight in such a Question, (whatever the present Opinion of that House is) they then thought a Writ of Error was the Right of the Subject in Capital Cases (where only it had been at any time doubted of.) But that it is a Writ of Right in all other Cases, has been affirmed in the Law Books, is verified by the constant Practice, and is the Opinion of all Your present Judges, except Mr. Baron Price, and Mr. Baron Smith. The Law, for the better Protection of Property and Liberty, has form'd a Su-

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'bordination of Courts, that Men may not be finally  
 'concluded in the first Instance : But this is a very  
 'vain Institution, if they be left precarious in the  
 'Method of coming to the Superior Court. All  
 'Suits are begun, as well as carried on, by the Au-  
 'thority of Your Majesties Writs, and the Subject  
 'has a like legal Claim to all of them. The Petiti-  
 'on for a Writ of Error returnable in Parliament,  
 'is only Matter of Form, and respect to Your Ma-  
 'jesty (like the Petitions which the Speaker makes in  
 'the Name of the Commons, at the beginning of  
 'every Parliament, for those Privileges which they  
 'do not believe to depend upon the Answer of those  
 'Petitions) and is no more to be refused than any o-  
 'ther Writ throughout the Cause. To affirm the  
 'contrary, is to allow an Arbitrary Latitude to inter-  
 'cept Justice, and to make it depend upon private  
 'Advices, and Extrajudicial Determinations, whe-  
 'ther any Causes at all shall be brought to Judgment  
 'before the High Court of Parliament. These things  
 'being considered, how extremely Surprizing is an  
 'Address from such a Body as the House of Com-  
 'mons, That Your Majesty would not give leave  
 'for such a Writ ? And no less Surprizing is what  
 'they Insinuate, as the Reason of their Confidence in  
 'Your Majesty, that You would hearken to such an  
 'Address, That they have given Dispatch to the  
 'Supplies : They proceeded surely in the Matter of  
 'the Supplies with a nobler Aim, for the Safety of  
 'Your Majesties Crown and Person, and for the de-  
 'livering the Kingdom from the Oppression of  
 'French Power, employed to set an unjust Pretender  
 'upon Your Majesties Throne. These are good  
 'Reasons for Disposing of the Peoples Money.  
 'Their Liberties, and all that is valuable to them,  
 'depend entirely upon the good Success of the War,  
 'and they have used in all Ages to part freely with  
 'their Money for the Defence of their Liberties and  
 'Properties, and the removing of Grievances and  
 'Oppressions. But this is the first time a House of  
 'Commons have made use of their having given the  
 'People's Money, as an Argument why the Prince  
 'should deny Writs of Right to the Subject, obstruct  
 'the Course of Justice, and deprive them of their  
 'Birth-Rights.



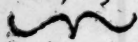
'On the twenty-sixth day of February, the House of Commons proceeded to carry on their Resentments to greater Extremities, and Voted, That the Gentlemen who pleaded as Council for the Five Prisoners, upon the Returns of the Writs of *Habeas Corpus*, and the Agents and Solicitors who assisted them, were guilty of a Breach of Privilege, and order'd them to be taken into Custody, which Order has been Executed: This seems to be so great an Excess, that it is hard to find Words proper for Expressing it. When *Cromwell* committed Mr. *Maynard* to the Tower for assisting one *Coney* as his Council, upon a *Habeas Corpus*, a celebrated Author expresses the Detestation due to such a Fact, in these words: *It was the highest Act of Tyranny that ever was seen in England; It was shutting up the Law it self close Prisoner, that no Man might have Relief from, or Access to it.*

'But as strange and unjustifiable as this appears, we beg leave to take Notice of another thing yet more irregular (if it be possible :) While the Matter was depending before Your Majesty upon the Petitions for Writs of Error, after the House of Commons had made an Address to your Majesty, That You would not give leave for the bringing Writs of Error; after Your Majesty had, by Your Gracious Answer, signified to them, *That this Matter relating to the Course of Judicial Proceedings, was of the highest Importance, and therefore Your Majesty thought it necessary to weigh and consider very carefully what was proper for You to do:* And after they had Voted to take this very Answer of Your Majesties into Consideration: The day following they ordered the five Prisoners to be removed from *Newgate*, and taken into the Custody of the Serjeant at Arms attending the House of Commons: And this order was Executed at Midnight, with such Circumstances of Severity and Terror, as has been seldom exercised towards the greatest Offenders. Your Majesty is the only proper Judge how highly disrespectful this Action is to Your Royal Person and Authority.

'But it concerns us to say, That such a Proceeding tends directly to the depriving the Petitioners of that Justice, which they were endeavouring to

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'obtain by means of the Writs of Error. While  
 'Your Majesty was deliberating how to put an end  
 'to a Matter, which they only had made difficult by  
 'an unreasonable Address, the House of Commons  
 'rightly apprehended, That Justice would prevail  
 'with Your Majesty over all other Considerations;  
 'and therefore (as far as possible, to disappoint the  
 'Prisoners, of the Fruit they expected from these  
 'Writs of Error when granted) they Transferred  
 'them, in the mean time, to another Prison. This  
 'Practice of removing Prisoners from one Custody  
 'to another, has been ever complained of, as mani-  
 'fest Oppression, and most evidently destructive of  
 'the Liberty of the Subject: It is a Mischief provi-  
 'ded against in express words, by the Act made in  
 'the Reign of Your Royal Uncle King Charles the Se-  
 'cond, *For better Securing the Liberty of the Subject*;  
 'That if any Person being a Subject of this Realm,  
 'shall be committed to any Prison, or in Custody of  
 'any Officer whatsoever, for any Criminal, or sup-  
 'posed Criminal matter, That the Person shall not be  
 'removed from the said Prison or Custody, into the  
 'Custody of any other Officer (unless it be by *Habeas*  
 '*Corpus*, or some other legal Writ;) and this upon  
 'the great Penalties mentioned in that Act. The  
 'Penalties in the said Act were New, but the Law of  
 '*England* was the same before the making it. The  
 'shifting of Men from one Prison to any other, while  
 'they are using Means in a Course of Law to recover  
 'their Liberty, is inexcusable Cruelty, and against  
 'the plain Rules of natural Justice; for by such Arti-  
 'fices, Imprisonments however unlawful, might be  
 'made Perpetual, and the Subject as he was at the  
 'Point of being discharged from one Prison, might  
 'be without end removed to another.

'We are so desirous that Your Majesty should be  
 'made fully acquainted with all the Passages relating  
 'to this dispute between the two Houses, that we  
 'humbly beg leave to annex to this our Representati-  
 'on, what passed at the first and second Conferences,  
 'and also the substance of what was said at the free  
 'Conference, and in our Debates, in maintenance  
 'of the Resolutions of the House of Lords. But we  
 'take it to be a Duty necessarily incumbent on us,  
 'to observe to Your Majesty the manner in which

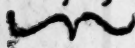
we

we have been treated by the House of Commons at these Conferences; so that from thence Your Majesty, according to Your great Wisdom, may judge to what such Proceedings do naturally tend. They told us, That the Judicature of the House of Lords was unaccountable in its Foundation, and inconsistent with the Constitution: If they mean it is so Ancient, that no account can be given of its Foundation, it is true; but there is reason to believe it began with the Monarchy, and we are sure it has continued without Interruption, unless during that unhappy Interval, when a pretended House of Commons destroyed the Church, and the Monarchy, as well as the House of Lords: As many Ages as the Constitution of the *English* Government has lasted, this Judicature has consisted with it, and formed a noble and necessary part of it, and therefore these Gentlemen will hardly be belived against so long an experience, That it is inconsistent with the Constitution. They also charged the Lords in direct Terms, with usurping the Hearing Appeals, with making advances upon the Constitution, with contriving to bring Liberty and Property into the Bottomless and Insatiable Gulf of the Lords Judicature, and with direct Reproaches, as to the manner in which that Judicature has been exercised, and in the most Contemptuous way told us, They forbore to mention the Instances, because they hoped we would Reform. We desire no other Judge but Your Majesty, how such a Treatment of us becomes these Gentlemen; and we dare appeal to all Your Subjects for Witnesses of the Irreproachable manner of administering Justice in the House of Lords. We hope the great Displeasure the House of Commons has conceived against us, may prove of some real Service, and of useful Caution to Your Majesty, for it has drawn them directly to own (what was but too visible before) that they are aiming at more Power, and a larger Share of the Administration than is trusted with them by the Nature of our Government. They directly complained, that by the Constitution the Judicature in the last Resort, was not placed in the same Hands with the Legislature, tho' they cannot shew it to be so in any Country where the Government is not



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Arbitrary, and the Prince's Will the Law. They have been long endeavouring to break in upon the Lords share in the Legislature, of which we could mention too many Instances to Your Majesty. From an ancient Claim, That Aids to the Crown are to begin in the House of Commons, and that the Lords could not alter the Sums, they have, of late Years, pretended (but without any Reason, and against the known Usage of Parliaments) that we could make no Alterations in any parts of a Money-Bill, tho' it have no relation to the Money: And upon that Foot, when they have had a mind to get any thing passed into a Law, of the Reasonableness of which they have despaired to convince the Lords, they have tack'd it to a Money Bill, in order to put the Crown, and the Lords under that unhappy Necessity, either to agree to a Law they might think prejudicial to the Publick, or to lose the Money, which perhaps, at that time, was absolutely necessary to the saving the Kingdom. By this Method they assume to themselves the whole Legislative Authority, taking in Effect the Negative Voice from the Crown, and depriving the Lords of the Right of deliberating upon what is for the good of the Kingdom: For this reason the Lords had, in a very solemn Manner, resolved never to suffer such Impositions for the future, let the Importance of the Bill be never so great. This resolution was well known, and yet in this present Session (as appears by the printed Votes of the 28th of November last) a great Number of the Gentlemen of the House of Commons, to the manifest Danger of disappointing the Supplies of the Year, which must have been the Ruin of the whole Confederacy, and delivering up of *Europe* into the Hands of *France*, made an Attempt to Tack to the Land Tax a Bill which had been rejected in two precedent Sessions of Parliament. Thus the House of Commons have formerly set on Foot several Attempts, against that Share in the Legislature which is placed in the Lords: But this is the first Time they have published their Desire, to be let into the Judicature of Parliament.

Whatever they would insinuate upon this Occasion, we desire not to meddle with the choice of the

the Commons Representatives, we willingly leave that Matter where it is, and in what manner it is exercised there; how Impartially, and how Steadily, is so well known by Experience to most parts of the Kingdom, and so universally understood, that the People will be extremely desirous their Estates and Properties should be subject to such Determinations. It is not strange the free Conference ended without Success, when the Commons came to it with such a Temper as appears by the Votes of the 8th of March, made after they themselves had consented to the free Conference: If those Votes had been published soon enough, it would have fully convinced the Lords, how vain a thing it was to confer with them further upon the Matters in debate at the former Conferences; for not content with what they had done before, upon Information that their Serjeant had been served with two Writs of *Habeas Corpus* returnable before the Lord-Keeper, in behalf of Mr. *Montague* and Mr. *Denton*, two of the Gentlemen who had been of Council with the five Prisoners, they came to a Resolution, That no Commoner committed by them for Breach of Privilege, or Contempt of the House, ought to be by *Habeas Corpus*, made to appear before any other Judicature, and required their Serjeant to make no Return, or yield any Obedience to those Writs; and that for such Refusal he had the Protection of the House of Commons.

It has been always held the undoubted Prerogative of the Crown, to have an Account of the reason why any Subject is deprived of Liberty, and it has ever been allowed, that by the known common Law, it is the Right of every Subject under restraint, upon demand to have his Writ of *Habeas Corpus*, and thereupon to be brought before some proper Court, where it may be Examined whether he be detained for a lawful Cause: And the Statutes made in the Reign of Your Royal Grandfather, and Your Royal Uncle, have Enacted, That in all Cases, Writs of *Habeas Corpus* be granted, and obeyed by the respective Officers upon great Penalties. But these Votes import a direct Repeal of those Laws, as to all Persons committed by the House of Commons. It is no longer worth disputing, Whether

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ther a Person committed by them, tho' for a Fact which appears to be both Lawful and Necessary, may be delivered by any Court; for by this new Law he shall never be brought thither, and the Serjeant is not only Warranted, but commanded openly to contemn Your Majesties Royal Writs of *Habeas Corpus*, brought upon the Act of the One and thirtieth of King *Charles* the Second, which is an Invasion of Your Prerogative, never before heard of in *England*. Your Majesty does not Claim an Authority to protect any of Your Officers for disobeying a known Law. The *Habeas Corpus* Act, in times of eminent and visible Danger, was in the late Reign, suspended by Acts of Parliament, for some short time, and yet (so sacred was that Law held) that those Acts passed with great Reluctancy, and one of the Arguments that prevailed most for agreeing to that Temporary Suspension was, That it would be an unanswerable Evidence to all future times, that this Act could never be suspended afterwards by any less Authority than that of the whole Legislature: But we live to see a House of Commons take upon them to suspend this Law by a Vote. They ordered, That the Lord-Keeper of Your Great-Seal should be acquainted with their Resolutions, to the end the Writs of *Habeas Corpus* may be superseded as contrary to Law, and the Privileges of their House. They are contrary to no Law, but that of these Votes, which surely are none of the Laws, the Lord-Keeper was Sworn to Observe. But yet he is to Act at his Peril. They have ordered this Law to be published to him by their Clerk. The Lord-Keeper is a Commoner, and if he Disobeys, 'tis a Breach of Privilege; and if they should carry it so far, as to order him into Custody, he may seek, but is not to have Relief from any *Habeas Corpus*.

We humbly beg Pardon of Your Majesty for this Long and Melancholy Representation, which we could not avoid, without being Guilty of Treachery to Your Majesty, and to our Native Country: The Five Persons immediately concerned are but poor Men; but we well know Your Majesties Justice and Compassion extends it self to the meanest of Your Subjects. The Matters in Dispute are of the High-



' Highest Consequence: Your Majesties Prerogative,  
 ' the Reverence due to Laws, and the Liberties and  
 ' Properties of all the People of *England* are con-  
 ' cerned, and at Stake, if these Encroachments pre-  
 ' vail. We do not pretend to solicit Your Majesty to  
 ' put a stop to these Innovations, Your own Wisdom  
 ' will suggest the most proper Methods: We have  
 ' endeavoured to do our Duty, in laying the whole  
 ' Matter before You. We humbly beg leave so far  
 ' to resume what has been said, as to present Your  
 ' Majesty a short View of the Unhappy Condition  
 ' of such of Your Subjects, as have Right of giving  
 ' Votes for choosing Members to serve in Parliament,  
 ' which has been hitherto thought a great and valu-  
 ' able Privilege; But by the late Proceedings of the  
 ' House of Commons is likely to be made only a  
 ' dangerous Snare to them, in case they who may  
 ' be hereafter chosen to serve in Parliament, shall  
 ' think fit to pursue the Methods of this present  
 ' House of Commons. If they refrain from making  
 ' Use of their Right in giving their Votes, they are  
 ' wanting in their Duty to their Country, by not doing  
 ' their Parts towards the choosing such Representatives  
 ' as will use their Trust for the Good of the Kingdom,  
 ' and not for the Oppression of their Fellow-Sub-  
 ' jects. If the Officer, who has the Right of taking the  
 ' Suffrages, refuse to admit them to give their Votes,  
 ' they must either sit down by it, and submit to be  
 ' Wrongfully and Maliciously deprived of their  
 ' Rights; or, if they bring their Actions at Law,  
 ' in order to Assert their Rights, and recover Dama-  
 ' ges for the Injury (as all other injured Men may  
 ' do in like Cases) they become liable to indefinite  
 ' Imprisonment, by incurring the Displeasure of  
 ' those who are Elected. If being thus Imprisoned,  
 ' they seek their Liberty by *Habeas Corpus* (the known  
 ' Remedy of all other Subjects) they do not only tie  
 ' their own Chains faster, but bring all their Friends  
 ' and Agents, their Solicitors and Council into the  
 ' same Misfortune with themselves. If they think  
 ' themselves to have received Injury by the Judgment  
 ' upon the *Habeas Corpus*, and seek relief by Writ of  
 ' Error, (the known Refuge of those who Suffer by  
 ' any wrong Judgment) all that Assist them in that  
 ' Matter

A. C. 1704. *W* Matter, are likewise to lose their Liberties for it, and they themselves will be removed to new Prisons, in order to avoid the Justice of the Law. We humbly conclude with acquainting Your Majesty, That we have been informed, by the Petition of two of the Prisoners, that they have been long delayed (tho' they have made their Applications, in due manner, for Writs of Error :) We are under a necessary Obligation, for the sake of Justice, and Asserting the Judicature of Parliament, to make this humble Address to Your Majesty, that no Importunity of the House of Commons, nor any other Consideration whatsoever, may prevail with Your Majesty, to suffer a stop to be put to the known Course of Justice, but that You will be pleas'd to give Effectual Orders for the immediate Issuing of the Writs of Error.

Her Majesties Answer to this Address, was,

My Lords,

*I* Should have granted the Writ of Error desired in this Address; but finding an Absolute Necessity of putting an immediate End to this Session, I am Sensible there could have been no further Proceedings upon that Matter.

Which being reported to the House of Lords, their Lordships ordered, That the Humble Thanks of their House be Presented to Her Majesty, for Her most Gracious Answer, in which She had express'd so great a Regard to the Judgment of this House, so much Compassion to the Petitioners, and such Tenderness to the Rights of the Subject.

The same day the Queen came to the House of Peers with the usual Solemnity, and the Commons being sent for up, Her Majesty was pleas'd to give the Royal Assent to.

*Acts pass,*  
*March*  
14.

1. An Act for continuing Duties upon Low-Wines, and upon Coffee, Tea, Chocolate, Spices and Pictures, and upon Hawkers, Pedlars and Petty-Chapmen, and upon Muslins; and for granting new Duties upon several of the said Commodities, and also upon Callicoes, China Ware and Drugs. 2. An Act for granting to Her Majesty a further Subsidy upon Wines and Merchandizes imported.

3. An

3. An Act for the better enabling Her Majesty to grant the Honour and Mannor of Woodstock, with the Hundred of Wootton, to the Duke of Marlborough and his Heirs, in Consideration of the Eminent Services by him performed to Her Majesty and the Publick. 4. An Act for Encouraging the Importation of Naval Stores from Her Majesty's Plantations in America. 5. An Act for the effectual Securing the Kingdom of England from the Apparent Dangers that may arise from several Acts lately passed in the Parliament of Scotland. 6. An Act for giving like Remedy upon promissory Notes, as is now used upon Bills of Exchange, and for the better payment of Inland Bills of Exchange. 7. An Act to permit the Exportation of Irish Linnen Cloth to the Plantations, and to prohibit the Importation of Scotch Linnen into Ireland. 8. An Act for the better Recruiting Her Majesty's Land-Forces and the Marines, for the Year One thousand seven hundred and five. 9. An Act for prohibiting all Trade and Commerce with France. 10. An Act for making Perpetual an Act for the more easie Recovery of Small Tythes; and also an Act for the more easie obtaining Partition of Lands in Coparcenary, Joint-Tenancy and Tenancy in Common: and also for making more effectual, and amending several Acts relating to the Return of Fugitives. 11. An Act to prevent all Traiterous Correspondence with Her Majesty's Enemies. 12. An Act for raising the Militia for the Year One thousand seven hundred and five, altho' the Months Pay formerly advanced be not repaid. 13. An Act for punishing Mutiny and Desertion, and False Musters; and for the better Payment of the Army and Quarters.

And to several private Bills: Which done, Her Majesty made the following Speech to both Houses.

My Lords and Gentlemen,

I Cannot put an end to this Session, without doing you The Queens the Justice to Acknowledge, you have made good the Speech to Assurances you gave Me at the Beginning of it, by the both Houses. great readiness you have shewn in the Dispatch of the Publick Business; And I make no Doubt, but this Dispatch will prove a real Advantage to us, and a great Discouragement to Our Enemies.

Gen<sup>l</sup>



224  
A. C.  
1703.

## The ANNALS of

Gentlemen of the House of Commons,

*I return you My hearty Thanks in particular, for the great Supplies, with which you have Enabled Me to carry on this Necessary War, I assure you they shall be carefully applied to the Uses for which they have been given; and I perswade My self I shall always have the Chearful Assistance of My Dutiful and Loving Subjects in the Prosecution of the present War, till Our Enemies are Obliged to such a Peace, as shall be a lasting Advantage and Security to Us and to Our Allies.*

My Lords and Gentlemen,

*We have, by the Blessing of God, a fair Prospect of this Great and Desirable End, if We do not Disappoint it by Our own Unreasonable Humour and Animosity, the fatal Effects of which We have so narrowly Escaped in this Session, that it ought to be a sufficient Warning against any Dangerous Experiments for the future.*

*I Conclude therefore with Exhorting You all to Peace and Union, which are always Commendable, but more particularly Necessary at this time, when the whole Kingdom being shortly to proceed to new Elections, it ought to be the Care of every Body, especially of such as are in Publick Stations, to carry themselves with the greatest Prudence and Moderation: Nothing will Contribute more to Our Reputation Abroad, and Our Security at Home.*

*The Parliament Prorogued.*

And then the Lord Keeper, by Her Majesty's Command, Prorogued the Parliament to Tuesday the first of May next.

*A Self-denying Act set on foot miscarries*

\* Jan. 16.

Before we leave this Session of Parliament, we must take notice of some remarkable Passages, which I have purposely omitted before, that I might give a continued and uninterrupted View of more material Transactions. The Party that prevail'd in the House of Commons, both to make themselves Popular by a Self-Denying Act, and to mortify some eminent Members, who had left them, and were now in Places of Profit and Trust, brought \* in a Bill for excluding out of the House of Commons, all Persons in any Offices or Employments erected since the 6th day of February 1684. or to be erected. This Bill had a quick and easy Passage thro' the House of Commons, but being † sent up to the House of Lords, the latter made

† Jan. 23.

several Amendments to it, which were † disagreed to by the Commons, and so the Bill was lost. There was also another Bill set \* on Foot in the House of Commons, ' To prevent Persons, who are Entitled † by their Offices, to receive any Benefit by Publick \* Annual Taxes to be granted, from being Members † in Parliament, while they are in such Offices: Which being levell'd against many worthy Members, who serv'd the Nation, both by Sea and Land, occasion'd no small Murmurings. To stifle these, the Commons empowered the † Committee to receive a † Clause to except out of that Bill, all Flag Officers in the Navy, and Captains of Ships: and all General Officers in the Army, and all Colonels in the Land Forces, and in the Marines; but notwithstanding this Modification, the Bill being come to † a third Reading, it was resolv'd that it should not pass.

Feb. 14.  
Jan. 16.

Jan. 20.

Jan. 27.

Among the many Ways and Expedients, by which the prevailing Party of the House of Commons endeavour'd to secure their Interest against a new Election, they thought it necessary to procure an Act, whereby the Commissions of the Peace should be lodged in the Hands of Men of Estates; and thereupon a Bill was brought in, and \* passed for Qualificati- \* Feb. 2.  
on of Justices of the Peace; but the same being sent up to the Lords, their Lordships did not think fit to give it their Concurrence.

As also  
that for  
Qualifica-

On the 2d of March, it appearing to the House of Commons, that *Edward Theobalds* was guilty of False and Scandalous Reflections upon Sir Charles Barrington, Knight of the Shire, for the County of Essex, and of misrepresenting his Voting and Acting in the House, to the Free holders of the said County, ordered the said *Theobalds* to be taken into the Custody of their Serjeant at Arms, and Resolv'd, ' That to ' asperse any Member of The House of Commons, with ' being in the Interest of the pretended Prince of ' Wales, or the French Government, for or in respect ' of his Behaviour and Proceedings in The House of Commons; is Villanous and Seditious, Destructive ' of the Liberties of Parliament, and the Freedom of ' Elections; and tends to create a Misunderstanding between Her Majesty and Her Subjects.

tion of Ju-  
stices of  
the Peace.

Votes a-  
gainst As-  
persing the  
Members of  
the House of  
Commons  
as Jaco-  
bites.

Towards the end of the Session, the Lords passed a Bill for the further Preventing the Growth of Popery, Popery.

A. C.

17<sup>4</sup>/<sub>3</sub>.\* March  
7.† March  
14.

which being sent down \* to the Commons, it was generally wished, that so wholesom an Act might meet with no Obstruction. But the Commons made such Amendments \* to it, as came little short of the Bill for preventing Occasional Conformity; and when the Question was putting, that the Bill be read the third Time, Mr. *Aston*, Deputy Gentleman Usher of the Black-Rod, † Summoned the Commons to attend the Queen in the Lords House.

On the 5th of *February* the Lords attended the Queen with the following Address.

*The Lords  
Address  
about Sta  
Affairs.*

*May it please your Majesty,*

WE Your Majesties most Loyal and Obedient Subjects, the Lords Spiritual and Temporal in Parliament Assembled, having referred several Books and Papers, laid before the House from the Treasury, Admiralty and Navy Offices, to a Committee, and Received, and fully Considered their Reports thereupon, think Our selves bound in Duty to Represent to Your Majesty the following Observations. It appears to Us, by the Accounts of the Navy, That the Charge of the Navy (Exclusive of the Ordnance for Sea Service) for the Three last Years, amounts to the Sum of 6559127 l. 12 s. 2 d. It does also appear, by the Books delivered by the Lord Treasurer, that the Provision designed by Parliament for the Service of the Navy (Excluding the Ordnance for Sea Service for the said Three

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\* They inserted this Clause, *Provided always, that all Persons, who by Virtue of this Act shall be obliged to take the Oaths of Allegiance and Supremacy, and Subscribe the Declaration, shall at the same time declare himself to be a Member of the Church of England, as now by Law Establish'd; such Declaration to be entred on the same Roll, where the said Oaths and Declarations, so to be taken and subscribed, are to be entred. And in Case any such Persons, shall after their taking such Oaths, and making such Declarations as aforesaid, knowingly or wilfully resort to, or be present at any Conventicle, Assembly, or Meeting, under Colour or Pretence of any Exercise of Religion, in other manner than according to the Liturgy and Practice of the Church of England, in any Place within this Kingdom, shall forfeit the Sum of one Hundred Pounds, for every time he shall be present at such Assembly, Conventicle or Meeting.*

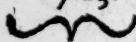
Years



' Years) amounted to the Sum of 6193094 *l.* 15 *s.*  
 ' So that the Charge of the Navy, within that time,  
 ' has exceeded what was designed by the Parliament,  
 ' besides the Charge of the Ordnance for Sea-Service,  
 ' the Sum of 366032 *l.* 17 *s.* 2 *d.* We also observe,  
 ' That whereas the Provision intended by Parlia-  
 ' ment for the said Three Years, amounted (as afore-  
 ' said) to the Sum of 6193094 *l.* 15 *s.* It appears by  
 ' the Accounts of the Treasury, That there has been  
 ' Issued to the Use of the Navy, (Exclusive of the  
 ' Ordnance) to the Eighth of November, 1704. the  
 ' Sum of 5051788 *l.* 15 *s.* 4 *d.* So that there has  
 ' been Issued for the Use of the Navy, 1142361 *l.* 2 *s.*  
 ' 4 *d.* short of the Proportion Allotted to that Service  
 ' by Parliament. But we must beg leave to observe,  
 ' That the Navy Accounts make the Sum received  
 ' by the Treasury of the Navy, between Michaelmas  
 ' 1701. and Michaelmas 1704. to amount to 5420700 *l.*  
 ' 11 *s.* 1 *d.*; which Difference We conceive, arises  
 ' by the Navy-Accounts Commencing sooner than  
 ' the Treasury Accounts, and by the Voluntary  
 ' Charge of the Treasurer of the Navy. We also  
 ' beg leave to acquaint Your Majesty, That by the  
 ' Accounts delivered in, and Signed by the Com-  
 ' missioners of the Navy, it appears that the Debt of  
 ' Navy at Michaelmas, 1704. amounting to the Sum  
 ' of 2266864 *l.* 17 *s.* 10 *d.*, and that the Debt of the  
 ' Navy at Michaelmas 1702, amounted to the Sum of  
 ' 1016767 *l.* 3 *s.* 9 *d.* So that the Debt of the Navy  
 ' in two Years time, has Increased the Sum of  
 ' 1250097 *l.* 14 *s.* 1 *d.* But We take Notice,  
 ' that by the Treasury-Books it appears, That the  
 ' Funds given by the Parliament for the Service of  
 ' the War, have proved Deficient, and fallen short  
 ' of Answering the Services intended by Parliament,  
 ' and several extraordinary Expences of the War, the  
 ' Sum of 1194249 *l.* 16 *s.* 5 *d.* We further humbly  
 ' Observe to your Majesty, That by the Treasury-  
 ' Books it appears, provision was made by Parlia-  
 ' ment, that a number of Men, not exceeding 40000  
 ' (including 5000 Marines) should be Employed for  
 ' the Service of the Year 1704. for whose Wages there  
 ' was appointed the Sum of 731507 *l.* 1 *s.* 2 *d.* that  
 ' the Charge of Wages for that Year by the Navy  
 ' Accounts, amounts to the Sum of 651963 *l.* which,

A. C.

1703.



' Sum amounts only to the Wages of 33434 Seamen,  
 ' so that 1566 Seamen were wanting, to make up the  
 ' number of 35000, who, with the 5000 Marines,  
 ' ought to have been employed at Sea, to make up the  
 ' 40000 Men. We beg leave farther to observe to  
 ' Your Majesty, That there were the last Year 10  
 ' Flags in Sea-Pay, viz. 3 Admirals, 3 Vice-Admi-  
 ' rals, and 4 Rear-Admirals, and that 3 of these were  
 ' not in their Posts. That Mr. Churchill, Admiral  
 ' of the Blue, has not been at Sea in any Year of this  
 ' War. Mr. Graydon, Vice-Admiral of the Red, has  
 ' been a Shore all this last Year. And that Sir James  
 ' Wishart (though a Rear-Admiral) has been the last  
 ' Year Captain to the Admiral of the Fleet. There  
 ' were two Vice-Admirals of the Red, and two Rear  
 ' Admirals of the Blue, but no Vice-Admiral of the  
 ' White, which seems to Us to have been very Irre-  
 ' gular, and to have been done in favour of Mr Gray-  
 ' don, to continue him in the Service, altho' this  
 ' House had Voted, that his Behaviour, in letting  
 ' the four French Ships escape, was a prejudice to  
 ' your Majesties Service, and a great Dishonour to  
 ' the Nation; and that his Proceedings in Jamaica,  
 ' had been a great Discouragement to the Inhabitants  
 ' of that Island, and prejudicial to your Majesties  
 ' Service; and hereupon we did, on the 29th of  
 ' March last, make an humble Address to your Ma-  
 ' jesty, That the said Graydon might not be employed  
 ' any more in Your Service; but We have been Ac-  
 ' quainted since the Report made Us from our Com-  
 ' mittee, That the said Mr Graydon is Discharged,  
 ' and We humbly beseech your Majesty, That he  
 ' may be no more employ'd in your Majesties Ser-  
 ' vice. We humbly offer it to your Majesty as our  
 ' Opinion, That the permitting Officers to be Absent  
 ' from their Duty, is not only of ill Example, but  
 ' may prove of very fatal Consequence in time of  
 ' Service. We humbly desire leave to Observe to  
 ' your Majesty, That it appears by the Navy Books,  
 ' in the Year 1697. (the last Year of the last War) the  
 ' Pensions amounted only to 7077 l. since which time  
 ' they are so far increas'd, that the Estimate of the  
 ' Pensions for the Year 1705. amounts to 18011 l. one  
 ' of these is a Pension of 319 l. 17 s. 6 d. to Sir John  
 ' Munden; tho' your Majesty, upon consideration of  
 ' the

the Circumstances, relating to the Expedition to  
Corunna, had been pleas'd to Determine, That he  
had not done his Duty, and that your Majesty did  
not think fit to continue him in your Service, and  
declared your Pleasure, That he should be im-  
mediately Discharged from his Post and Command in  
the Navy. We have been also inform'd, That the  
Pension of Admiral Nevil's Widow, which is set  
down in the Books as continuing, has not been paid  
for two Years past. At the same time We find the  
Pensions so much encreas'd, We have been inform'd,  
That some Officers of your Majesties Fleet have  
been laid aside, without any Pension or Considera-  
tion, tho' no Crime or Misbehaviour has been laid  
to their Charge.

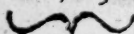
We beg leave to observe farther, That in the  
Ordinary Estimate of the Navy, deliver'd in to the  
Parliament, and for which Allowances were annu-  
ally demanded and made, there is put down for the  
Prince's Council 7000 *l.* Whereas it appears, that  
in the Year 1702. they were only four in number ;  
in the Year 1703 five, and six only in the Year 1704.  
And yet it does not appear that more than 1000 *l.*  
a piece has been paid to them. We also Observe,  
That Mr. Churchill's Appointments from the Navy  
are, as Prince's Council, 1000 *l.* for Pension 500 *l.*  
as Admiral of the Blue 1277 *l.* 10 *s.* and for Table  
Money (tho' not at Sea) 365 *l.* in the whole 3142 *l.*  
10 *s.*

Upon a Careful Inspection of the Admiralty Book  
relating to your Majesties Ships imployed, from  
the first of *January* to the first of *November* 1704. as  
Cruizers and Convoys for the Home Trade (tho'  
the same be kept very Confusedly) We have ex-  
tracted out of it a Scheme of the number of Ships,  
and the Time for which the same have been imploy-  
ed in Cruizing, or as Convoys for the Protection of  
Trade, to which We humbly desire to refer. In  
that Scheme all the days are set down, that can be  
found, when any of these Ships were Cruizing,  
and upon a Calculation, all of them together have  
not done the Duty of three Cruizing Ships kept con-  
stantly on the Service for ten Months. Besides se-  
veral of these Cruizers were ill Chosen, and impro-  
per Ships for that purpose, as being the worst Sail-



A. C.

1704



ers in the Fleet; particularly the *Warspight*, *Expeditio*, *Gloucester*, *Assistance*, and *Falkland*, and the number of Ships that have been at any time employed within that time as Cruizers, do not exceed 22, and for Home Convoys 7. Whereas in the late War the Parliament judged it necessary, That there should be employed for Protection of Trade, besides the main Fleet and Foreign Convoys, 4 third Rates, 16 fourth Rates, 13 fifth Rates, and 10 sixth Rates; in the whole 43.

Having thus humbly laid these our Observations before your Majesty, We rest assured that your Majesties great Wisdom, and tender Concern for the Happiness of your Subjects, will dispose you to apply the proper Remedies. Your Majesty is fully satisfied, that the Honour and Safety of your Dominions, and the security of Trade, depend entirely upon a due Management of the Naval Affairs; and therefore We doubt not but your Majesty will consider of the fittest Methods, and give the most effectual Orders for Restoring and Establishing the Discipline of the Navy. And as We are very sure your Majesty is touched in the most sensible manner with the late heavy Losses of the Merchants, and the Persons of many hundreds of your Seamen; So We humbly beseech your Majesty to give your Commands, that all possible methods may be taken for the Encouragement of Seamen, the Guarding of the Coasts, and the Protection of Trade.

Her Majesties Answer to this Address, was,

My Lords,

The Queens  
Answer.

THIS Address contains many Observations, I shall Consider them particularly, and give such Directions upon them as may be most for the Advantage of the Publick Service.

On the 10th of November the House of Peers order'd an Address to be presented to the Queen by the Lords of the White Staves. That in the Exchange of the Bishop of *Quebec* and other Prisoners taken in the Ship *la Seine* the last Summer, Her Majesty would have regard to the Poor French Protestants in the Gal-

'Gallies. Which tender concern in the Lords, for those persecuted and miserable Remains of the reformed Churches of France, was universally applauded.

Having taken a full Prospect of the Affairs of England, let us Survey those of Ireland, so far as they can come within the compass of this Annual History. The Parliament of that Kingdom met at Dublin the 10th of February, and his Grace the Duke of Ormond, Lord Lieutenant, being come to the House of Peers, attended by the Great Officers of State, the Peers, Officers of Arms, &c. sent for the House of Commons, and made the following Speech to both Houses :

Affairs of Ireland.

The Parliament meets Feb. 10.

The Duke of Ormond's Speech to them.

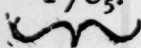
My Lords and Gentlemen,

YOU gave me reason to believe, when I put an end to the last Session, that the many good Bills that were then Passed, gave entire Satisfaction; and as I have since performed the Promise I then made you, to represent to Her Majesty the true State of this Kingdom, and with what cheerfulness Her Faithful Commons gave such Supplies as their Circumstances would then permit; so I am now to assure you, Her Majesty is fully satisfied of the Loyalty and good Affections of Her Subjects here, and therefore depends upon your having always the same good Disposition to support Her Government; and that you will never want the Regard you ought to have for Our Common Safety.

Her Majesty is sensible of the present ill Condition of Trade; and tho' that be chiefly owing to the War, and cannot be entirely removed until the further Success of Her Victorious Arms forces Her Enemies to an Honourable Peace; yet I have reason to hope, that we shall soon find the good Effects of Her Majesty's Gracious Endeavours for Our Relief.

Gentlemen of the House of Commons,

Her Majesty's Honour, and the Interest of this Kingdom are so much concern'd in the punctual Payment of the Army, and the other necessary Charges of the Government, that I cannot doubt but you will make a suitable Provision for the same.

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‘ And that you may have a perfect View of what is  
 ‘ owing by the Queen to Her Establishment, and  
 ‘ what may be expected out of the several Branches  
 ‘ of the Revenue, I have ordered the proper Officers  
 ‘ to lay their Accounts before you; which, when  
 ‘ you have considered, you will find, that the Ar-  
 ‘ rears of the preceding Year must always be applied  
 ‘ to make good the Payments of the present Year;  
 ‘ and that in this time of War and Danger, there is a  
 ‘ Necessity of having Money in the Treasury to an-  
 ‘ swer sudden Emergencies.

‘ It will likewise be very well worth your Consi-  
 ‘ deration, that Care be taken of the Fortifications,  
 ‘ and of such a Supply of Arms and Ammunition,  
 ‘ as may secure the Publick from any Insult of our  
 ‘ Enemies:

*My Lords and Gentlemen,*

‘ I have nothing more to recommend to you, but  
 ‘ that you will make use of this favourable Opportu-  
 ‘ nity that Her Majesty has been Graciously pleased  
 ‘ to allow you, to consider of such Laws as may be  
 ‘ further necessary for the Publick Peace and Prospe-  
 ‘ rity; and that you will chearfully concur in bring-  
 ‘ ing this Session to such a happy Conclusion, as may  
 ‘ be for the Honour of Her Majesty, and the Good of  
 ‘ this Nation.

† Feb. 17.

A Week † after both Houses severally attended  
 his Grace with their Addresses to Her Majesty;  
 and with an Address of thanks from each House to  
 his Grace, for his Speech to them from the Throne.  
 The Duke of Ormond did immediately transmit the  
 first into *England*, and the same were presented to  
 the Queen by Mr. Secretary *Hedges* the 23d of Fe-  
 bruary. The Address of the Lords was as follows.

*The Lords  
 Address to  
 the Queen.*

‘ **W**E Your Majesty’s most Dutiful and Loyal  
 ‘ Subjects, the Lords Spiritual and Temporal  
 ‘ in Parliament Assembled, do humbly Congratulate  
 ‘ the Glorious Victory obtained by Your Majesty’s  
 ‘ Forces, in Conjunction with those of Your Allies,  
 ‘ under the Command of the Duke of *Marlborough*:  
 ‘ And we do Adore the Goodness of God for the  
 ‘ many



' many great Successes with which he has Blessed  
' Your Majesty's Arms since Your happy Accession  
' to the Throne.

' We are highly sensible how much we owe to  
' Your Majesty for those many good Laws You  
' were graciously pleased to give the Royal Assent to  
' the last Session ; and we esteem it our greatest Hap-  
' piness, that we have a Queen, whose Delight is in  
' the Safety and Prosperity of Her People, and who  
' daily shows such tender Care of them.

' We assure Your Majesty of our unshaken Fide-  
' lity to Your Person, Crown and Government ;  
' and as we are inseparably annexed to the Imperial  
' Crown of *England*, so we are resolved to oppose all  
' Attempts that may be made by *Scotland*, or any o-  
' ther Nation whatsoever, to divide us from it, or  
' defeat the Succession of the Protestant Line, as li-  
' mited by several Acts of Parliament.

' We beseech Almighty God that Your Majesty  
' may live many Years, and always enjoy the Plea-  
' sure of Ruling in the Hearts of Your Subjects, and  
' that You may be the glorious Instrument of Re-  
' lieving our Protestant Brethren Abroad, of Procu-  
' ring the Peace, and Asserting the Liberty of *Europe*,  
' and that You may long continue the Support and  
' Ornament of our Established Church, for all which  
' You have shewn such a Princely Concern.

To which Address Her Majesty was graciously plea-  
sed to return the following Answer :

Her Maje-  
sty's An-  
swer.

ANNE R:

*HER Majesty receives with great Satisfaction the  
affectionate Expressions of Loyalty and Duty in the  
Address of the House of Lords ; and they may be assured  
of Her constant Care and Concern for the Happiness and  
Prosperity of the Kingdom.*

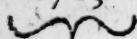
*The Address of the Commons runs thus :*

' Most Gracious Sovereign,  
' WE Your Majesty's most Dutiful and Loyal  
' Subjects, the Commons of *Ireland* in Parlia-  
' ment Assembled, do most humbly lay hold of this  
' oppor-

The Com-  
mons Ad-  
dress.

A. C.

1703.



‘opportunity given us by Your Majesty’s Grace and  
 ‘Favour, to Congratulate the Glorious Successes  
 ‘obtained by the Arms of Your Majesty, and Your  
 ‘Allies by Sea and Land, more particularly those  
 ‘under the Conduct and Bravery of his Grace the  
 ‘Duke of *Marlborough*; by which Your Majesty has  
 ‘in a great Measure secured, not only the Peace and  
 ‘Happiness of Your own Subjects, but the Liberties  
 ‘of *Europe*, against the restless Attempts and Invasi-  
 ‘ons of the *French King*.

‘And we humbly beseech Your most Sacred Ma-  
 ‘jesty to accept our sincere and hearty Thanks and  
 ‘Acknowledgments for Your Majesty’s Gracious In-  
 ‘terposition with Your Parliament of *England*, in fa-  
 ‘vour of this Kingdom, towards our Relief in the  
 ‘present Difficulties we labour under, humbly im-  
 ‘ploring the Continuance of Your Majesty’s Grace  
 ‘and Goodness to us.

‘And we beg Leave to assure Your Majesty, That  
 ‘Your faithful Commons will Support Your Maje-  
 ‘sty’s Government, and the Church of *Ireland*, as by  
 ‘Law Established, to the utmost of their Power.

‘And in case any Difference shall arise between  
 ‘*England* and *Scotland*, will most firmly Adhere to  
 ‘the Imperial Crown of *England*, in maintaining the  
 ‘Succession in the Protestant Line, as the same is set-  
 ‘tled by the late Acts of Parliament made in *England*,  
 ‘against all Persons, who shall attempt to Disunite  
 ‘Your Majesty’s Kingdoms, or to own or receive  
 ‘any other Successors in any of them, than such Per-  
 ‘sons to whom the Succession of the Crown is by the  
 ‘said Acts limited and appointed.

*The Queen’s  
 Answer.*

To which Address Her Majesty was also pleased  
 to answer as follows:

ANNE R.

**H**ER Majesty is very well pleased with the Address of  
 the House of Commons: And as she is fully satisfied  
 with their Assurances of Supporting Her Majesty, and of  
 firmly Adhering to the Imperial Crown of *England*, and  
 the Protestant Succession; so they may depend on Her  
 Majesty’s Protection of that Church and State; and on Her  
 Care for Easing them in any Difficulties they may lie under.

On

On the 5th of *March*, the House of Commons of *Ireland*, resolved themselves into a Committee of the whole House, to take into further consideration the Supply to be granted to Her Majesty; and also his Grace the Lord Lieutenants Speech; and came to a Resolution, that a Sum, not exceeding One hundred and fifty thousand Pounds be granted to Her Majesty, for the Support of the necessary Branches of the Establishment for two Years, commencing the 29th of *September*, 1705. and ending the 29th of *September*, 1707. Which Resolution being reported the day following, was unanimously agreed unto by the House: And it was resolv'd, That the House should on *Friday* next resolve it self into a Committee of the whole House, to consider of Ways and Means for raising the Supply granted to Her Majesty. That day the House attended his Grace the Lord Lieutenant with the following Address of Thanks to Her Majesty, for Her Majesty's most Gracious Answer to their Congratulatory Address.

*Most Gracious Sovereign,*

WE your Majesty's most dutiful and loyal Subjects the Commons of *Ireland* in Parliament Assembled, beg Leave to return our humble Thanks for your Majesty's most Gracious Answer to our Address.

Your Majesty's Truly Royal Disposition and Transcendent Goodness expressed therein have exalted our Hopes, and enabled us chearfully to support the Difficulties we lie under, till by your Majesty's Care and Prudence, we shall obtain such Ease and Relief, as Thankful Subjects may hope from the best of Queens.

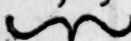
As the Glory of your Majesty's Victories over your Enemies, affect us with the highest Admiration, so your Majesty's Clemency and Indulgence to your People, create in us the greatest Zeal and Devotion, and inspire us with most ardent Desires to express our Gratitude to your Majesty, and our constant Resolution, not only to Support Your Majesty and your Government, but by repeated Instances of Duty and Loyalty, to preserve our selves for ever in your Majesty's Grace and Favour.

To



A. C.

1704.



† March  
12.

*The Lower  
House of  
Convocation  
on petition  
against the  
Bill to en-  
courage the  
Hempen  
Manu-  
factures.  
Votes of  
the Com-  
mons a-  
gainst it.*

*The Par-  
liament  
adjourned.*

† March  
21.

*To which his Grace was pleased to Answer, ' That he  
' would take care to transmit this Address to Her Ma-  
jesty with great Pleasure.*

Not many days after, the Lower House of Con-  
vocation of the Clergy of the Church of *Ireland* un-  
derstanding, ' That Heads of a Bill for the Improve-  
' ment of the Hempen and Flaxen Manufactories of  
' that Kingdom, were brought into the House of  
' Commons, wherein there was a Clause to ascertain  
' the Tithes of Hemp and Flax, which they appre-  
' hended might prove very prejudicial to the Rights  
' and Properties of the Clergy of *Ireland*, with the  
' care of which they were entrusted : They there-  
fore † presented a Memorial to the House of Com-  
mons, ' desiring that the said Clause might not pass  
' in the said Bill, until their Reasons which they  
' were ready to offer against it were first heard ;  
Which Message was sign'd by the Prolocutor, and  
sign'd by their Actuary, who was a Servant to the  
Upper House of Convocation. Upon the Receipt of  
that Memorial, the Commons Voted, ' That the  
' Person that brought it was Guilty of a Breach of  
' the Privilege of that House, ordered him to be  
' taken into the Custody of their Serjeant at Arms ;  
' and further Resolv'd, That it appeared to them,  
' that the Convocation in pretending to have the  
' Care of the Civil Rights of the Clergy, were Guil-  
' ty of a Contempt and Breach of the Privilege of  
' that House. The Commons expected, that the  
Convocation should make a Submission, and acknow-  
ledge, ' That they had nothing to do with the Civil  
' Rights, and that their meddling with those Rights,  
' was a Contempt and a Breach of the Privilege ;  
but instead of that, the Convocation sent them a Let-  
ter, wherein they endeavour'd to Justify their Me-  
morial, ' As no ways encroaching upon the Privi-  
' leges of the House of Commons, and consequent-  
' ly no Breach of Privilege. Hereupon the Com-  
' mons Voted, that all matters relating to this Me-  
' morial, should be razed out of the Journals and  
' Books of the Convocation : Which being like to  
raise greater Heats, his Grace the Duke of *Ormond*  
thought fit to † send a Message to both Houses, that  
they should adjourn to the first of *May* next, which  
was done accordingly.

*A List of the Eminent Persons, who died in the Year 1704.*

ON the 7th of February, died the Dutchess of <sup>February</sup>  
*Buckingham*, a Lady of Exemplary Goodness <sup>Dutchess of</sup>  
 and Vertue. She was of the Family of the Lord <sup>Bucking-</sup>  
*Brook*, and first marry'd to *Baptist Noel*, Earl of <sup>ham's</sup>  
*Gainsborough*; but since after his Decease, to *John Daath*.  
*Duke of Buckingham and Normanby*. 7.

On the 9th of the same Month died *Charles Boyle*, <sup>Earl of</sup>  
 Earl of *Burlington*, alias *Bridlington*, and *Cork*, Vis-<sup>Burling-</sup>  
 count *Dungarvan*, Baron *Clifford of Lansborough*, and <sup>ton's</sup>  
 Baron *Boyle of Youghall*. *Richard Boyle*, the Grand-<sup>Death.</sup>  
 father of this noble Earl, in consideration of his 9.  
 Assistance to King *Charles the First*, in the unhap-  
 py Civil Wars, and by reason of his Marriage with  
 the Lady *Elizabeth Clifford*, sole Daughter and Heir  
 to *Henry*, Earl of *Cumberland*, and Baron *Clifford*, &c.  
 was by Letters, Patent, dated November the 4th, in  
 the Twentieth Year of his Reign, advanced to the  
 Dignity of a Baron of *England*, by the Title of Lord  
*Clifford of Lansborough*, in the County of *York*; and  
 afterwards in respect of his own faithful Services both  
 in *England* and *Ireland*, and the great Merits of the  
 same *Henry*, Earl of *Cumberland*, was by other Let-  
 ters, Patent, bearing date the 20th of *March*, 16th  
*Car. 2d.* created Earl of *Burlington*, in the County of  
*York*, he being Son and Heir of Sir *Richard Boyle*, Kt.  
 who was promoted to the Degree of a Baron of *Ire-*  
*land*, by the stile of Lord *Boyle of Youghall*, on the  
 6th of *September*, in the Fourteenth Year of King  
*James the First*; and farther honoured with the Dig-  
 nity of Viscount *Dungarvan*, and Earl of *Cork* in  
 that Kingdom, by a Patent dated the 16th of *Octo-*  
*ber*, Anno 1620. The Noble Earl now deceased has  
 left a Son, who is yet a Minor, to Inherit his Ho-  
 nours and Estate.

On the 28th of *March* died *Edward Ward*, Lord <sup>March</sup>  
*Dudley*, of the Small Pox, and under Age; but he <sup>Lord Dud-</sup>  
 left his Lady with Child. <sup>ley's Death</sup>

About the same time died *Henry Telverton*, Vis-<sup>28.</sup>  
 count *Longeville*, Lord *Grey of Ruthin* and Baronet, <sup>Lord Lon-</sup>  
 Brother and Heir of *Charles Lord Grey of Ruthin*, <sup>geville's</sup>  
 and *Death.*

and Son to Sir Henry Telferton of Easton Manduit, in the County of Northampton Baronet, by *Susanna Longeville*, his Wife, sole Daughter to *Charles*, Lord Grey of *Ruthin*, which *Charles* being Son and Heir to Sir *Michael Longeville* of *Wolverton* in the County of *Buckingham*, Kt. by the Lady *Susanna*, his Wife, sole Heir and Sister to *Henry* the Seventh, Earl of *Kent*, Lord Grey of *Ruthin*, whose Ancestor *Roger de Grey* (second Son to *John*, Lord Grey of *Wilton*, late in the Parliament held at *York*, Anno 1322. as Lord Grey) was upon his Claim exhibited in Parliament begun at *Westminster*, November the 3d 1646. 16 Car. 1. admitted to the Title and Dignity of Lord Grey of *Ruthin*, and thereupon had his Place and Precedency in that Parliament accordingly, by Writ, dated the 16th of *February* following, directed, *Carolo Longueville, de Grey, Chevalier*. The Noble Lord now deceased left a Son behind him to inherit his Honour and Estate, who is yet a Minor of about Twelve Years of Age.

April  
 Earl of  
 Romney's  
 Death.  
 8.

On the 8th of *April* died *Henry Sidney*, Earl of *Romney*, Viscount *Sidney* of *Sheppey*, and Baron of *Milton*. He was the third Son of *Robert*, sometime Earl of *Leicester*, was sometime Envoy Extraordinary from King *Charles* the Second to the States General of the United Provinces, and upon the Revolution 1688. (wherein he was highly Instrumental) was made one of the most Honourable Privy Council, and for his faithful Services, preferred to the Dignity of Baron of *Milton*, in the County of *Kent*, and Viscount *Sidney* of *Sheppey*, an Isle of the same County, by Letters Patent, bearing date 9th of *April* 1689. First of *William* and *Mary*, two days before their Majesties solemn Coronation, in order to his Attendance at that Ceremony. Sometime after which, he was constituted one of the Principal Secretaries of State; next, made Lord Lieutenant of *Ireland*, and afterwards created Earl of *Romney* in *Kent*, (one of the Cinque Ports) on the 14th of *May* 1694. He was when the late King died, *March* 8. 1700. Groom of the Stole, and first Gentleman of the Bed Chamber to his Majesty, Master-General of the Ordnance, Captain and Colonel of the first Regiment of Foot Guards, Lord Warden of the Cinque Ports, and Constable of *Dover*, Lord Lieutenant of the



the County of *Kent*, and City of *Canterbury*, and County of the same City, Vice Admiral of *Kent*, and *Custos Rotulorum* of the said County of *Kent*. He was divested of all these Places in her present Majesties Reign, except that of the Regiment of Guards, wherein upon his Decease, he was succeeded by his Grace the Duke of *Marlborough*. He died unmarried, and left the Bulk of his Estate to his great Nephew, Mr. *Sidney*, a younger Brother of the present Earl of *Leicester*.

On the 4th of *June* died *Thomas Petre*, Baron *Petre* of *Writtle*, whose Ancestor Sir *John Petre*, Son and Heir to Sir *William Petre*, Doctor of Laws, who had been Secretary, and of the Privy Council to Four Kings and Queens, and seven times Ambassador in Foreign Parts, was created Lord *Petre* of *Writtle*, in the County of *Essex*, by Letters, Patent, bearing date the 21st of *July* 1603. in the first Year of King *James* the First. This Lord was a *Roman* Catholic.

June.  
~~~~~  
Lord *Petre*'s Death.  
4.

On the 8th of the same Month died *Ralph Bathurst*, Dr. Fa-  
Doctor of Physick, President of *Trinity* College in *thurst's*  
*Oxford*, and Dean of *Wells*; he was the second Son *Death*.  
of *George Bathurst* of *Hothorp*, in the County of *Nor-*  
*thampton*, Esq; by *Elizabeth* Daughter and Coheir  
of *Edward Villiers* of the same Place and County. He  
marry'd *Mary*, Daughter of *John Tristram*, Esq; by  
the Lady *Mary Ley*, Daughter of *James*, sometime  
Earl of *Marlborough*. This Gentleman was made  
Master of *Trinity* in 1672. he being then fifty Years  
of Age. I know of nothing extant of his, but some  
*Latin* Verses writ many Years ago, which discover  
he had a good Taste of Poetry.

In the Month of *November*, the Dutches Dowager  
of *Buckingham* departed this Life. She was the only *Novemb.*  
Daughter and Heir of *Thomas Lord Fairfax*, some-  
time General of the Parliament's Forces against *Bucking-*  
King *Charles* the First, and married before the Resto-  
ration to *George Villiers*, Duke of *Buckingham*, by *Death*.  
whom she had no Children: She was a Lady of  
great Virtue and Goodness, and left what Personal  
Estate she had to the Lady ——— *Hickman*, Sister  
to the Earl of *Plymouth*, her Kinswoman.

On

Mr Locke's  
Death.

On the 21<sup>st</sup> of the same Month died *John Locke, Esq;* at *High Laver*, in the County of *Essex*. He was born at *Pensford*, in the Parish of *Publoe*, in the County of *Somerset*, being the Son of *Mr. Locke*, (sometime Steward, or Court keeper to Colonel *Alexander Popham* in the said County) who left him a real Estate of 200 *l. per Annum*. He was Educated in *Westminster School*, from whence he was sent to *Christ Church College* in *Oxford* in 1651. where he became one of the Students of that College, and took the Degree of Batchellor of Arts, *Feb. 14. 1655*. He entered on the Physick Line, run through a Course of Chymistry, and in 1672. was made Secretary to the Lord Chancellor *Shaftsbury*, but quitting it in 1674. when that Lord was put out; he went to *Oxford*, and on the 6<sup>th</sup> of *February* 1674. he took the Degree of Batchellor of Physick, and Practised there; but there being a high ferment in the Nation, and a Plot (or, a supposed one) breaking out in 1683. he left *Oxford*, withdrew to *Holland*, and was sometime employed there by the *English* Resident, to transact Business between him and the Earl of *Middleton*, Secretary of State in *England*: But before this, viz. in 1684. he was put out of the Student's Place in *Christ Church*. However, he had leave to return home in King *James's* time; and after the Succession of King *William* to the Throne, he was first made Secretary at War in 1689. then one of the Commissioners of Appeal, and afterwards, upon that Prince's erecting Lord's Commissioners of Trade, *Mr. Locke* was one of those appointed to Officiate by virtue of that Commission, wherein he continued till towards the latter end of 1698. when he voluntarily resigned it, by reason of his Age and Bodily Infirmities, which would not allow his constant Attendance as he desired. This learned Gentleman, dying as before said, was buried in the Church-yard of *High Laver*, and that in a plain Wooden Coffin, not covered with Cloth, or otherwise adorned, according to the Directions he himself had given in his Will, all writ with his own Hand; by which he left several small Legacies to *Dr. Veen*, and others in *Holland*. The Bulk of his Study he divided between *Mr. Peter King*, of the *Middle-Temple*, and *Mr. Francis Cudworth*, Merchant,

to which last he bequeathed 3000 Pounds. He wrote several things, as, *An Essay upon Humane Understanding*; *Thoughts of Education*, a *Collection of Letters concerning Toleration, Coin and Trade*; *The Treatises of Government*, of which there have been so many Editions, but (as he himself says) all very uncorrect: *The Reasonableness of Christianity*, as delivered in the Scriptures; *A Vindication of the reasonableness from Mr. Edward's Reflections*; *A second Vindication of the Reasonableness of Christianity*; *Several Answers to Dr. Stillingfleet, late Bishop of Worcester*; and *some Annotations on St. Paul's Epistle to the Galatians*; and *Occasional Thoughts in Reference to a Virtuous and Christian Life*, both which last were printed after his Death, without his Name.

As for his Character, take it from a Gentleman, who knew him very well, in these words, 'His Name will last as long as our present Language is Understood, or *English* Men have a Relish for good Sense. His Literature was Universal, his Notions useful, and his Observations Critical and Just. He knew how to write Controversy, and differ in Conversation, with equal Strength and Manners. He was as much a Master of the first, as if he had been always immured amongst Books, and yet had so decent and winning a Behaviour, that no Courts could have added to the Complaisance of his Temper. How much he could improve our Understandings, may be found by those who Read what he wrote with that Intent: But this Nation can scarce pay Regard enough to his Memory, for his making several, who were so much in the Wrong, Judge rightly of Toleration and Recoinage. What he hath Written about Trade, bespoke him adequate to the Commission he once had, and Conscientiously laid down, because his infirm Body would not admit of his Attending upon it. Indeed, upon whatever occasion he employed his Pen, he wrote in a masterly Strain, shew'd compass of Thought, and the utmost Penetration, besides a Perspicuity scarce to be met with. He had himself a large Mind, and yet was the farthest Man alive from ridiculing Men of a lower Form, from being Assuming, and Magisterial in his Discourse; and, in short, he was as well a good Natur'd, and well bred Gentleman, as a finished Schollar, and pro-



‘found Philosopher. This being but a little Part of  
 ‘what might be said in his Praise, it is easie to ima-  
 ‘gine he is infinitely lamented by all, who had the  
 ‘Happines of his Acquaintance ; tho’ by his own  
 ‘great Insight into Nature, and a constant Tempe-  
 ‘rance, he preserved a very weak Constitution, to  
 ‘an Age very few attain to ; and at last was brought  
 ‘to his end by a meer gradual Decay, which made  
 ‘him for some time, without Consternation, expect  
 ‘his Change.

Decemb. The 12th of *December* died Sir *Roger Lestrange*, Kt.  
 in the 88th Year of his Age. He was the second Son  
 of Sir *Roger* of Sir *Hammond L'Estrange* of *Hunston*, in the Coun-  
 ty of *Norfolk*. Kt. by *Alice*, second Daughter and  
 his Death. Coheir of *Richard Stubb* of *Sedgeford*, in the said  
 12. County, Esq; It's not doubted but this Gentleman  
 had liberal Education, but where, and after what  
 manner I cannot find ; nor indeed, any else memora-  
 ble of him, till the Year 1644. when having obtain'd  
 a Commission from King *Charles* the First, for redu-  
 cing of *Lynn*, in the County of *Norfolk*, then in the  
 Possession of the Parliament, and Mr. *L'Estrange* go-  
 ing in order thereunto privately into the Parliament's  
 Quarters, his design was discovered to Colonel *Wal-*  
*ton*, the Governor, and his Person seized at *Appleton-*  
*hall*, upon which the Parliament ordered him to be  
 tried by a Court Martial at *Guild-hall*, *London*. He  
 made as handsome a defence for himself as the Cir-  
 cumstances of his Case would admit of ; however,  
 he was condemned to die for a Spy : But Prince  
*Rupert* sending a Trumpeter from *Oxford*, with a  
 Letter to the Earl of *Essex*, representing his Case to  
 be new, and such, if he were Executed, as might  
 occasion the like Usage of such as adhered to the  
 Parliament from his Majesty's Party, he was reprieve-  
 ed, and continued in *Newgate* several Years after,  
 without any further hearing. After this, he became  
 in some sort of Favour with *Cromwell* ; but they that  
 said he was his Fidler, did it only by way of Ridi-  
 cule, for having, perhaps, once or twice plaid be-  
 fore him. In the Year 1660. and for some Years  
 after, he published a confused sort of News Paper,  
 which at length was put down by the *Gazette*, first  
 set on Foot by Mr. *Williamson* (since Sir *Joseph*)  
 under Secretary to Mr. Secretary *Nicholas*, for which,  
 however, the Government allow'd him a Conside-  
 ration.

ration. Sometime after the *Popish* Plot, that broke out in 1678. when the *Tories* began to gain Ground over the *Whigs*, as the Nation was then unhappily distinguished, he in his *Observators* became a mighty stickler for the former, and descended to every mean and trifling Story to expose the latter. He served for *Winchester* as a Member in the Parliament, called by King *James* 1685. but things taking a quite different Turn, in that Prince's Reign in Point of Liberty of Conscience, than most People expected, his *Observators* were disused, as not at all suiting with the Times: However, Sir *Roger* still continued Licenser of the Press till King *William's* Accession to the Throne in 1689. in whose Reign he met with some Trouble, upon account of his being supposed a disaffected Person: However, he went to his Grave in Peace, though he had, in a manner, survived those Intellectuals, which for many Years he lived to enjoy to an uncommon Perfection, as appears by the very many things he wrote and translated, of which I shall not here give a Catalogue. He was certainly a very great Master of the *English* Tongue; how far he was so in others, I shall not offer to determine.

Towards the end of this Year, Colonel *Silus* or *Colonel Silius Titus* departed this Life. He was descended from a Family call'd *Tito* in *Italy*. He became a Commoner of *Christ-Church, Oxon.* in *Lent*, 1637. and continued there three Years, from whence he removed into one of the Inns of Court. When the Civil Wars broke out, he became a Captain in the Parliament's Army, but afterwards adhered closely to the King's Interest. He went with the Parliament's Commissioners to him at *Newcastle*, thence to *Holdenby*, from whence he was sent Express to the Parliament in *June* 1647. to acquaint them the King was seized by a Party of the Army, commanded by Cornet *Foyce*, and for his Celerity they gave him 50*l.* to buy himself a Horse. He was soon after taken into Favour by *Cromwell*, and that Party, who would have engaged him to persuade the King to consent to the four Propositions sent him by the Parliament. After the Beheading of King *Charles*, he followed the Fortune of *Charles* the Second, acted as Groom of the Bed' Chamber to that Prince, and a certain

certain Author says, That *Richard Graves*, and he were the only *English Men* that follow'd him into *Scotland*. But *Sir Edward Walker*, was certainly there also: He was likewise at the Battle of *Worcester* with King *Charles the Second* in 1651. and after the Defeat of the Royal Army made his Escape. Sometime after *Cromwell* assuming the Protectorship, he wrote a very shrewd Pamphlet against him, entitled, *Killing no Murder*, under the borrow'd Name of *Allen*, wherein he would have perswaded him, for what he had done to the Nation, by way of Recompense to make away with himself, or prov'd it lawful, for any Body else, to Kill him. After the Restoration of King *Charles the Second* in 1660. he was in much Favour with that Prince, and made Groom of the Bed Chamber, and by a Warrant dated *June the 1st 1665*. had an Augmentation of Arms Gratis, viz. in a Field; Or upon a Chief imbatl'd Gules, a Lion of England. He was chosen Burges for *Lestithiel*, in the Parliament of *May 1661*. but was no Pensioner, as some others of that time were. When the *Popish Plot* broke out, he became a Zealous Stickler against the Favourers of that Design and Interest, quitted his Groom of the Bed-Chamber's Place, and being chosen Knight of the Shire, for the County of *Huntingdon*, in the Parliament held at *Westminster*, *October 21st 1680*. he made several smart Speeches for the Bill of Exclusion. However, he grew in Favour with King *James*, being in *November 1687*. introduced to that Prince by Mr. *William Pen*, with whom he join'd Interest for taking away the Penal Laws and Test, &c. It was reported also, that he had finished a Book to shew the Use and Advantage of it. He was in *June 1688*. sworn of the Privy Council to King *James*, together with *Christopher Vane*. Esq; and *Sir John Trevor*, Master of the Rolls. After the Revolution he served Burges for the Town of *Ludlow* in *Shropshire*, in one or two Parliaments. He lived retiredly the latter part of his time, under the Pressures of an Advanc'd Age, which, at length, brought him to his Grave. He was buried at *Bushy*, in *Hertfordshire*, the Place of his Nativity.



A true List of the Knights, Citizens and Burgesſes of the Parliament, which Met at *Westminſter* the 20th of *October*, 1702. as they were Returned into the *Crown Office*, with the Alterations to their Diſſolution, 1703.

**Bedfordshire 4.**

THE Right Honourable Lord Edward Ruſſel,  
Sir William Goſtwick, Knight and Baronet.  
Town of Bedford.

William Spencer, Eſquire.

The Honourable Edward Carteret, Eſq;

**Berks 9.**

\* Sir John Stonehouſe, Baronet.

Richard Neville, Eſquire.

Borough of New-Windſor.

† Right Honourable J. Lord Viſcount Fitzharding,

Richard Topham, Eſquire.

Borough of Reading.

Sir Owen Buckingham, Knight.

Tanfeild Vachel, Eſquire.

Borough of Wallingford.

William Jennens, Eſquire.

Thomas Renda, Eſquire.

Borough of Abingdon.

† Sir Simon Harcourt, Knight, Solicitor General.

**Bucks 14.**

† Sir Richard Temple, Baronet.

† Right Honourable William Lord Cheney, Viſcount Newhaven.

Town of Buckingham.

Sir Edmund Denton, Baronet.

Roger Price, Eſquire.

*The ANNALS of**Borough of Chippingwicomb.*† Charles Godfrey, *Esq;*Fleetwood Dormer, *Esq;**Borough of Ailesbury.*Simon Harcourt, *Esq;*\* Sir Henry Parker, *Bar.**Borough of Agmondesham.*\* John Drake, *Esq;*\* Sir Samuel Gerrard, *Bar.**Borough of Wendover.*Richard Hampden, *Esq;*† Richard Crawley, *Esq;**Borough of Great Marlow.*\* Sir James Etheredge, *Kt.*† James Chase, *Esq;***Cambridgshire 6.**\* Granado Pigot, *Esq;*Sir Rushout Cullen, *Bar.**University of Cambridge.*\* The Hon. Arthur Annesly, *Esq;*† Right Hon. Henry Boyle, *Esq;**Town of Cambridge.*Sir Henry Pickering, *Bar.*Anthony Thompson, *Esq;***Cheshire 4.**\* Sir George Warburton, *Bar.*\* Sir Roger Mostyn, *Bar.**City of Chester.*\* Sir Henry Bunbury, *Bar.*† \* Peter Shakerley, *Esq;***Cornwall 44.**\* Sir Richard Vivian, *Bar.*\* James Buller, *Esq;**Borough of Dunhivid, al. Lancelston.*

Rt. Hon. Henry Lord Hyde.

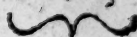
\* William Cary, *Esq;**Borough of Leskard.*† William Bridges, *Esq;*† Thomas Dodson, *Esq;**Borough of Lestwithiel.*The Hon. Ruffel Robarts, *Esq;*Sir John Molesworth, *Kt. and Bar.*

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*Borough of Truro.*

† Sir Philip Meadows.

† Henry Vincent, *Esq*;

*Borough of Bodmin.*

\* John Hoblyn, *Esq*;

† Hon. Francis Robarts, *Esq*;

*Borough of Helsing.*

† Francis Godolphin, *Esq*;

† Sidney Godolphin, *Esq*;

*Borough of Saltash.*

† Thomas Carew, *Esq*;

\* John Rolle, *Esq*;

*Borough of Camelford.*

Dennis Glyn, *Esq*;

\* William Pole, *Esq*;

*Borough of Portpigham, al. Westlow.*

† \* Charles Seymour, *Esq*;

\* Henry Poley, *Esq*;

*Borough of Grampound.*

\* Francis Scobell, *Esq*;

† James Craggs, *Esq*;

*Borough of Eastlow.*

\* Sir Henry Seymour, *Bar.*

Sir John Pole, *Bar.*

*Borough of Penryn.*

Samuel Trefusis, *Esq*;

† Alexander Pendarves, *Esq*;

*Borough of Tregony.*

† Hugh Boscawen, *Esq*;

\* Joseph Sawle, *Jun. Esq*;

*Borough of Bossiney.*

† William Hooker, *Esq*;

† \* John Manley, *Esq*;

*Borough of St. Ives.*

\* James Praed, *Esq*;

John Pitt, *Esq*;

*Borough of Foway.*

George Granville, *Esq*;

John Hicks, *Esq*;

*Borough of St. German.*

Henry Flemming, *Esq*;

† \* John Anstis, *Esq*;

*Borough of St. Michael.*

Renatus Bellott, *Esq*;

Francis Basset, *Esq*;



*The ANNALS of**Borough of Newport.**Sir Nicholas Morice, Bar.*\* *John Spark, Esq;**Borough of St. Mawes.*† *Sir Joseph Tredenham, Kt.**John Tredenham, Esq;**Borough of Callington.**Samuel Rolle, Esq;**Sir William Coryton, Bar.***Cumberland 6.***Richard Musgrave, Esq;*\* *Wilfrid Lawson, Esq;**City of Carlisle.*† *Christopher Musgrave, Esq;*† *Thomas Stanwix, Esq;**Borough of Cochermouth.*† *James Stanhope, Esq;**Thomas Lamplugh, Esq;***Derbyshire 4.**\* *John Curzon, Esq;*† *Thomas Coke, Esq;**Town of Derby.**John Harpur, Esq;**Thomas Stanhope, Esq;***Devonshire 26.***Sir William Courtenay, Bar.**Robert Rolle, Esq;**City of Exeter.*\* *Sir Edward Seymour, Bar.*\* *John Snell, Esq;**Borough of Totness.*† \* *Hon. William Seymour, Esq;*\* *Thomas Coulson, Esq;**Borough of Plymouth.*† *The Hon. Charles Trelawny, Esq;**John Woolcomb, Esq;**Town of Oakhampton.**Sir Simon Leech, Knight of the Bath.**Thomas Northmore, Esq;**Borough of Barnstaple.**Nicholas Hooper, Serjeant at Law.*\* *Arthur Champneys, Esq;*

Queen ANNE's Reign.

*Borough of Plympton,*

Richard Edgcumbe, Esq;

Richard Hele, Esq;

*Borough of Honiton.*

\* Sir William Drake, Kt. and Bar.

Sir Walter Yonge, Bar.

*Borough of Tavistoke.*

James Bulteel, Esq;

Henry Mannaton, Esq;

*Borough of Ashburton.*

Sir Thomas Leare, Bar.

Richard Reynel, Esq;

*Borough of Clifton, Dartmouth, Hardnes.*

\* Nathaniel Herne, Esq;

\* Frederick Herne, Esq;

*Borough of Boralston.*

† William Cowper, Esq;

Peter King, Esq;

*Borough of Tiverton.*

Thomas Bere, Esq;

Robert Burr ridge, Esq;

**Dorsetshire** 20.

\* Thomas Strangeways, Esq;

\* Thomas Cnastin, Esq;

*Town of Poole.*

Sir William Phipard, Kt.

William Jolliffe, Esq;

*Borough of Dorchester.*

Sir Nath. Napier, Kt. and Bar.

Nathaniel Napier, Esq;

*Borough of Lyme-Regis.*

Henry Henly, Esq;

John Burr ridge, Esq;

*Borough of Weymouth.*

\* The Hon. Henry Thynne, Esq;

† Anthony Henly, Esq;

*Borough of Melcomb-Regis.*

† The Hon. Charles Churchill, Esq;

† George St. Loe, Esq;

*Borough of Bridport.*

Alexander Pitfield, Esq;

\* Richard Bingham, Esq;

*Borough of Shafton, alias Shaftsbury.*

Sir John Copley, Bar.

† Edward Nicholas, Esq;

1703. Sir Edward Erle, Bar.

† The Hon. Thomas Erle, Esq;  
Borough of Corfe Castle.

\* John Banks, Esq;

\* Richard Fownes, Esq;

**Durham 4.**

Sir Robert Eden, Bar.

Sir William Bowes, Kt.

City of Durham.

\* Sir Henry Bellasysse, Kt.

Thomas Conyers, Esq;

**Essex 8.**

\* Sir Charles Barrington, Bar.

Sir Francis Masham, Bar.

Borough of Colchester.

Sir Isaac Rebow, Kt.

Sir Thomas Cook, Kt.

Borough of Malden.

\* William Fytche, Esq;

\* John Comyns, Esq;

Borough of Harwich.

Sir Thomas Davall, Kt.

† John Ellis, Esq;

**Gloucestershire 8.**

Maynard Colchester, Esq;

† Rt. Hon. John How, Esq;

City of Gloucester.

William Trye, Esq;

John Hanbury, Esq;

Borough of Cirencester.

William Master, Esq;

† Charles Cox, Esq;

Borough of Tewkesbury.

Richard Dowdeswel, Esq;

Edmund Bray, Esq;

**Herefordshire 8.**

\* Sir John Williams, Kt.

\* Henry Gorges, Esq;

City of Hereford.

† The Hon. James Brydges, Esq;

Thomas Foley, Esq;



Queen ANNE's Reign.

Borough of Lempster.

† The Right Hon. Thomas Lord Coninsby.

† Edward Harley, Esq;

Borough of Weobly.

Henry Cornwall, Esq;

\* Thomas Price, Esq;

Hertfordshire 6.

\* Ralph Freeman, Jun. Esq;

Thomas Halsey, Esq;

Borough of St. Albans.

† Hon. George Churchill, Esq;

\* John Gape, Esq;

Borough of Hertford.

\* Charles Cæsar, Esq;

\* Richard Goulston, Esq;

Huntingdonshire 4.

John Dryden, Esq;

William Nayler, Esq;

Borough of Huntingdon.

† Rt. Hon. Charles Earl of Orrery.

† Anthony Hammond, Esq;

Kent 10.

Sir Thomas Hales, Bar.

\* Sir Francis Leigh, Kt.

City of Canterbury.

† Henry Lee, Esq;

† George Sayer, Esq;

City of Rochester.

† Edward Knatchbull, Esq;

\* William Cage, Esq;

Borough of Maidstone.

\* The Hon. Heneage Finch, Esq;

Thomas Bliss, Esq;

Borough of Queensborough.

† \* Robert Crawford, Esq;

† Thomas King, Esq;

Lancashire 14.

Richard Ashton, Esq;

Richard Fleetwood, Esq;

Borough of Preston in Amounderness.

The Hon. Charles Stanley, Esq;

Sir Cyril Wych, Kt.



## The ANNALS of

*Borough of Lancaster.*Robert Hesham, *Esq;*Sir William Lowther, *Bar. Deceased.**Borough of Newton.*\* John Ward, *Esq;*\* Thomas Leigh of Lyme, *Esq;**Borough of Wigan.*Sir Roger Bradshaigh, *Bar.*\* Orlando Bridgman, *Esq;**Borough of Clithero.*† Thomas Stringer, *Esq;*Ambrose Pudsey, *Esq;**Borough of Leverpoole.*William Clayton, *Esq;*Thomas Johnson, *Esq;*

## Leicestershire 4.

The Hon. John Verney, *Esq;*John Wilkins, *Esq;**Town of Leicester.*\* Sir George Beaumont, *Bar.*\* James Winstanley, *Esq;*

## Lincolnshire 12.

\* Hon. Lewis Dymoke, *Esq;*\* Sir John Thorold, *Esq;**City of Lincoln.*Sir Thomas Meres, *Kt.*Sir Edward Husley, *Bar.**Borough of Boston.*Sir Edward Irby, *Bar.*† *Rt. Hon.* Peregrine Bertie, *Esq;**Borough of Great Grimsby.*John Chaplain, *Esq;*† Arthur Moore, *Esq;**Town of Stamford.*\* The Hon. William Cecill, *Esq;*† \* The Hon. Charles Bertie, *Esq;**Borough of Grantham.*Sir William Ellys, *Bar.*Richard Ellys, *Esq;*

## Middlesex 8.

\* Warwick Lake, *Esq;*\* Hugh Smithson, *Esq;*

*Queen ANNE's Reign.*

*City of Westminster.*

\* *Sir Walter Clargis, Bar.*

*Thomas Cross, Esq;*

*City of London.*

*Sir William Pritchard, Kt. Deceased.*

*Sir John Fleet, Kt.*

*Sir Francis Child, Kt.*

*Sir Gilbert Heathcote, Kt.*

**Monmouthshire 3.**

*John Morgan of Tredegar, Esq;*

*Sir John Williams, Bar. Deceased.*

*Borough of Monmouth.*

*John Morgan, Esq;*

**Norfolk 12.**

*Sir John Holland, Bar.*

*Sir Jacob Astley, Bar.*

*City of Norwich.*

*Thomas Blofield, Esq;*

\* *Thomas Palgrave, Esq;*

*Town of Lyn-Regis.*

*Sir Charles Turner, Kt.*

*Robert Walpole, Esq;*

*Town of Great Yarmouth.*

*Benj. England, Esq;*

*John Nicholson, Esq;*

*Borough of Thetford.*

*Robert Benson, Esq;*

† *Edmund Soame, Esq;*

*Borough of Castle-rising.*

† *Sir Thomas Littleton, Bar.*

*Horatio Walpole, Esq;*

**Northamptonshire 9.**

*Sir Justinian Isham Bar.*

*Thomas Cartwright, Esq;*

*City of Peterborough.*

*The Hon. Sidney Wortley, alias Montague, Esq;*

† *Sir Gilbert Dolben, Bar.*

*Town of Northampton.*

*Sir Matthew Dudley, Bar.*

*Francis Arundel, Esq;*

*Town of Brackley.*

*The Hon. Charles Egerton, Esq;*

\* *John James, Esq;*

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# The ANNALS of

*Borough of Higham Ferrars.*

*Hon. Thomas Wentworth, Esq;*

## Northumberland 8.

*Sir Francis Blake, Kt*

\* *Bartram Stote, Esq;*

*Town of Newcastle upon Tyne.*

*Sir Henry Liddel, Bar.*

*William Carr, Esq;*

*Borough of Morpeth.*

† *Emanuel How, Esq;*

† *Sir John Delaval, Bar.*

*Town of Berwick upon Tweed.*

† *Samuel Ogle, Esq;*

*Jonathan Hutchinson, Esq;*

## Nottinghamshire 8.

*John Thornhaugh, Esq;*

*Sir Francis Molyneux, Bar.*

*Town of Nottingham.*

*George Gregory, Esq;*

*The Hon. William Pierrepont, Esq;*

*Borough of East Retford.*

\* *Sir Willoughby Hickman, Bar.*

\* *William Levinz, Esq;*

*Town of Newark upon Trent.*

*Sir Matthew Jennison, Kt.*

† *Hon. James Saunderson, Esq;*

## Oxon 9.

\* *Sir Robert Jenkinson, Bar.*

\* *Sir Edward Norreys, Kt.*

*University of Oxon.*

\* *Sir William Whitlock.*

\* *William Bromley, Esq;*

*City of Oxon.*

\* *Thomas Rowney, Esq;*

\* *Francis Norreys, Esq;*

*Borough of New Woodstock.*

\* *The Honourable James Bertie, Esq;*

\* *Sir William Glynn, Bar.*

*Borough of Banbury.*

\* *The Honourable Charles North, Esq;*

## Rutlandshire 2.

*Sir Thomas Mackworth, Bar.*

\* *Richard Halford, Esq;*

Queen ANNE's Reign.

Salop 12.

Roger Owen, Esq;

Richard Corbet, Esq;

Town of Salop.

John Kynaston, Esq;

Richard Mytton, Esq;

Borough of Bruges, alias Bridgnorth.

\* Sir Edward Aeton, Bar.

Sir Humphry Briggs, Bar.

Borough of Ludlow.

† Sir Thomas Powys, Kt.

Francis Herbert, Esq;

Borough of Great-Wenlock.

† Sir William Forrester, Kt.

George Weld, Esq;

Town of Bishops-Castle.

† Charles Mafon, Esq;

† Henry Brett, Esq;

Somersetshire 18.

Nathanael Palmer, Esq;

Sir Philip Sydenham, Bar.

City of Bristol.

Robert Yate, Esq;

Sir William Daines, Kt.

City of Bath.

† William Blathwait, Esq;

Alexander Popham, Esq;

City of Wells.

\* William Coward, Serjeant at Law, deceas'd.

\* Henry Portman, Esq;

Borough of Taunton.

Sir Francis Warr, Bar.

Edward Clark, Esq;

Borough of Bridgwater.

Sir Thomas Wroth, Bar.

George Balch, Esq;

Borough of Minehead.

† Alexander Lutterel, Esq;

\* Sir Jacob Banks, Kt.

Borough of Ilcester.

† Sir Francis Wynham, Bar.

\* James Anderton, Esq;

Borough of Milburn Port

† Sir Thomas Travel, Kt.

John Hunt, Esq;

Southamp.

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1703.

1703. Richard Norton, Esq;

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*Town of Southampton.*

Frederick Tilney, Esq;

† Adam de Cardonnel, Jun. Esq;

*Town of Portsmouth.*

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† Sir George Rooke, Kt.

*Borough of Yarmouth.*

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† Anthony Morgan, Esq;

*Borough of Petersfeild.*

Robert Mitchel, Esq;

\* Leonard Bilson, Esq;

*Borough of Newport, alias Medena.*† *The Right Honourable John Lord Cutts.*

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† Henry Killegrew, Esq;

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John Leigh, Esq;

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† William Ettricke, Esq;

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*Borough of Lymington.*

† Thomas Dore, Esq;

Paul Burrard, Esq;

*Borough of Whitchurch.*

Richard Woolaston, Esq;

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**Queen ANNE's Reign.**

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John Crew Offley, *Esq;*

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Thomas Guy, *Esq;*

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† Sir Thomas Felton, *Bar.*

\* Sir Robert Davers, *Kt.*

**Surrey 14.**

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**Borough of Southwark.**

Charles Cox, *Esq;*

John Cholmley, *Esq;*



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Morgan Randyll, Esq;

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\* William Elton, Esq;

*Borough of Horsham.*

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John Wicker, Esq;

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John Lewkener, Esq;

Lawrence Alcock, Esq;

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Richard Paine, Esq;

*Borough of New Shoreham.*

John Perry, Esq;

Nathanael Gould, Esq;

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Samuel Sambrooke, Esq;

John Asgill, Esq;

*Borough of Steyning.*

Sir Edward Hungerford, Knight of the Bath.

† Charles Goreing, Esq;

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† John Conyers, Esq;

\* John Toke, Esq;

*Queen ANNE's Reign.*

*Borough of Arundel.*

Edmund Dummer, *Esq;*

Carew Weekes, *Esq;*

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A. C.

1705.

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† Sir Charles Shuckburgh, *Bar.*

*City of Coventry.*

\* Sir Christopher Hales, *Bar.*

\* Thomas Gery, *Esq;*

*Borough of Warwick.*

\* The Honourable Francis Greville, *Esq;*

† \* Honourable Algernoon Greville, *Esq;*

**Westmorland 4.**

William Fleming, *Esq;*

† Henry Graham, *Esq;*

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James Grahame, *Esq;*

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Robert Eyre, *Esq;*

*Borough of Wilton.*

Sir John Hawles, *Kt.*

† John Gauntlett, *Esq;*

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Sir James Ash, *Bar.*

Sir Charles Duncomb, *Kt.*

*Borough of Hindon.*

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Tho. Jervise, *Esq;*

*Borough of Heytesbury.*

Edward Ashe, *Esq;*

William Monson, *Esq;*

*Borough of Westbury.*

Honourable Henry Bertie, *Esq;*

\* Honourable Robert Bertie, *Esq;*

*Borough of Calne.*

† Right Honourable Sir Charles Hedges, *Knight, Secretary.*

\* Henry Chivers, *Esq;*



*The ANNALS of**Borough of Devizes.*Francis Meryweather, *Esq;*† John Methuen, *Esq;**Borough of Chippenham.*

† Right Honourable John Lord Mordaunt.

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**Queen ANNE's Reign.**

**Yorkshire 30.**

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A. C.

1703.

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*City of York.*

*Sir William Robinson, Bart.*

*Tobias Jenkins, Esq;*

*Town of Kingston upon Hull.*

*Sir William St. Quintin. Bar.*

*William Maister, Esq;*

*Borough of Knaresborough.*

*\* Robert Byerley, Esq;*

*Christopher Stockdale, Esq;*

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*William Tompson, Esq;*

*John Hungerford, Esq;*

*Borough of Rippon.*

*John Sharpe, Esq;*

*Sir William Hustler, Kt.*

*Borough of Richmond.*

*Thomas Yorke, Esq;*

*\* James Darcy, Esq;*

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† *Anthony Duncombe, Esq;*

† *Henry Guy, Esq;*

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† *Sir Henry Goodrick, Kt. and Bar. deceas'd.*

*\* Sir Bryan Stapylton, Bart.*

*Borough of Malton.*

*Sir William Strickland, Bart.*

† *William Palmes, Esq;*

*Borough of Thirsk.*

*Sir Godfrey Copley, Bart.*

† *Sir Thomas Frankland, Bar.*

*Borough of Alborough.*

*Robert Monckton, Esq;*

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*Borough of Beverly.*

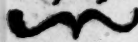
† *Sir Charles Hotham, Bar.*

*William Gee, Esq;*

*Borough of Northallerton.*

*Robert Dormer, Esq;*

*John Aislaby, Esq;*



Borough of Pontefract,

† Sir John Bland, Bar.

William Lowther, Esq;

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## B A R O N S of the Cinque- Ports. (16.)

*Port of Hastings.**The Honourable William Ashburnham, Esq;*

† John Pulteney, Esq;

*Port of Dover.*

† Matthew Aylmer, Esq;

Philip Papillon, Esq;

*Port of Sandwich.*

\* John Michell, Esq;

Sir Henry Furnese, Kt.

*Port of Hyeth.*

Sir Philip Boteler, Bar.

John Boteler, Esq;

*Port of New Romney.*

† Walter Whitefield, Esq;

† John Brewer, Esq;

*Town of Rye.*

Thomas Fag, Esq;

† Edward Southwell, Esq;

*Town of Winchelsea.*

† George Clarke, Esq;

James Hayes, Esq;

*Town of Seaford.*

Sir William Thomas, Bar.

† William Lowndes, Esq,

WALES.



WALES. (24.)

**Anglesey 2.**

*The Right Honourable Richard Lord Viscount Bulkeley.*  
*Borough of Beaumaris.*

Coningsby Williams, Esq;

**Brecon 2.**

John Jeffreys, Esq;

*Town of Brecon.*

Sir Jeffry Jeffreys, Kt.

**Cardigan 2.**

\* Sir Humphrey Mackworth, Kt.

*Town of Cardigan.*

Henry Lloyd, Esq;

**Carmarthen 2.**

Griffith Rice, Esq;

*Town of Carmarthen.*

Richard Vaughan, Esq;

**Carnarvan 2.**

\* *The Honourable Thomas Bulkely, Esq;*

*Town of Carnarvan.*

\* Sir John Wynne, Kt. and Bar.

**Denbigh 2.**

Sir Richard Myddleton, Bar.

*Town of Denbigh.*

† Edward Brereton, Esq;

**Flint 2.**

\* Sir Thomas Hanmer, Bar.

*Town of Flint.*

† \* Thomas Mostyn, Esq;

**Glamorgan 2.**

*The Honourable T. Mansel of Margam, Esq;*

*Town of Cardiff.*

Thomas Mansell of Britton Ferry, Esq;

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**Montgomery 2.**

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Town of Montgomery.

\* John Vaughan, Esq;

**Pembroke 3.**

Sir Arthur Owen, Bar.

Town of Pembroke.

\* John Meyrick, Esq;

Town of Haverford-West.

John Laughorne, Esq;

**Radnor 2.**

Thomas Harley, Esq;

Town of New-Radnor.

† The Right Honourable Robert Harley, Esq;



**FINIS.**

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The Answer to  
**Mr. B---- Speech,**  
In Relation to the  
*Conformity BILL and TACK.*

IN A  
**LETTER to a FRIEND.**

S I R,

**I** Have receiv'd the favour of your Letter, in which you tell me strange News indeed : For after all the Noise that has been so long against the Tackers, insomuch that most of them thought their safest way was to deny it in their several Countries ; yet now they seem to take Heart again, and Mr. B----, who you say is lately come down, undertakes to justify all that Proceeding. The Arguments he makes use of, you tell me, are these.

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In



In the first place he says, The Practice of Occasional Conformity is such a scandalous Hypocrisy, as is no way to be excused upon any Pretence whatsoever. That it is Condemn'd even by the better sort of Dissenters themselves. That the employing Persons of a different Religion from that establish'd by Law, has never been practis'd by any wise Government, and is not allow'd even in Holland at this day. That the Sacramental Test was appointed by the Wisdom of the Legislature, to preserve the Establish'd Church; which Church seems in as much Danger from the Dissenters now, as it was from Papists then. That this Law being so necessary, and having been twice refused in the House of Lords, the only way to have it pass was to Tack it to a Money Bill. That it had been an Ancient Practice to Tack Bills that were for the Good of the Subject to Money Bills; that while grievous Taxes were laid upon the People for support of the Crown, the Crown might in return pass such Laws as were for the Benefit of the People. That the great Necessity there was for the Money Bill's passing, was rather an Argument for, than against this Proceeding: For what Danger could there be that the Lords (who pretend to be such great Patriots) should rather lose the Necessary Supplies, than pass an Act so requisite for Preservation of the Church? That, however, if they could suppose them so unreasonable, the Matter was not yet so bad; for it was but only Proroguing the Parliament for a few days, and the Commons might have pass'd the Land Tax again without the Tack.

To consider these Arguments in their Order: I shall very readily own, that a Man who thinks it unlawful to receive the Sacrament according to the Manner of the Church of England, and yet does it to qualify him for an Employment, is no way to be justify'd: And I shall grant further, that One who does go once to Church to qualify himself, and never goes afterwards, is to be Condemn'd; whether his not going afterwards be upon a Scruple of Religion, or for his having no Religion at all. But neither of these are the Persons against whom this Bill is level'd; the Design of the Bill being against such as do sometimes go to Church, and do at other times resort to separate Congregations.

Now

Now to judge how far this Practice may be lawful, we must consider the reasons the Dissenters pretend for the Separation from the Establish'd Church.

There are some who pretend all Communion with the Church absolutely unlawful.

There are some who do not object to Communion with the Church in general, but to some particular Parts of the Common-Prayer.

There are others, who do not pretend there is any thing in the Establish'd Way of Worship absolutely sinful or unlawful, but they think their own Way more pure and decent, and more according to God's Word.

There are others who do not carry the Matter quite so far as these; but having been bred up in a Way of Worship that has nothing unlawful in it. they think they ought not to leave their Friends entirely, unless there was somewhat sinful to make them do it.

As to the First Sort, they never Communicate with the Church; such are the Quakers, and therefore are not concern'd in this Question.

As for the Second Sort, An Objection to a particular Part of our Service, cannot justify Men for not Conforming to the Church, in those Parts of our Service to which they have no particular Objection.

And as to the two last Sorts, which are by much the most considerable, and comprehend the greatest Part of the Independants and Presbyterians; I cannot see how those Objections can justify them for never going to our Churches, tho' they may think themselves justify'd by them for going to their separate Congregations also.

That this was the Case of several of the Dissenters, is very evident from their Practice. Dr. Bates, Mr. Baxter, and some other of the most Eminent Teachers

( E 2 )

Teachers among the Dissenters, did, after the Restoration, go constantly to the Parish Churches, stay'd all the Divine Service, receiv'd the Sacrament every Month; and did exhort and bring their Auditors to do the like; tho' at the same time they thought themselves oblig'd to keep up their separate Congregations too. And accordingly there are at this Day, in many Parts of *England*, several Congregations of Men, Women and Children, of such who neither by their Circumstances, Sexes or Age, can have the least Prospect of any Office; who go sometimes to the Establish'd Church, stay all the Divine Service, receive the Sacrament; and yet at other times resort to separate Congregations. And how this, which has been so great a Step towards a Constant Conformity, and has prov'd so in very many Families of Condition, becomes at present so scandalous and hypocritical a Practice, I cannot for my Life imagine.

Our Ancestors had a very different Opinion of this Matter: The Papists did Communicate with our Church, in the Beginning of Queen *Elizabeth's* Reign; and were so far from being charg'd with Hypocrisy by any of our Church Men for it, that all Encouragement that could be was given to them; and a Declaration against Transubstantiation, which was the Liturgy in *Edward* the Sixth's Time, was, to avoid Offence, left out, and not put in again till the Restoration. The Pope, indeed, did not think it for his Interest to allow the Practice, and therefore by a Bill forbid it. And yet I hope Mr. B—— will not pretend, the Differences between the Dissenters and us are greater, than between us and the Papists: or that there is not as much Probability of making the former join with us in one common Interest, as ever there was of the latter.

*But this Practice, Mr B—— says, is condemn'd by the better Sort of Dissenters themselves.*

That this Practice should be condemn'd by the most violent Part of the Dissenters, I think there is no Reason to wonder at. Those who would persuade



suade their Auditors, that all Communion with the Church of *England* is absolutely unlawful, must use their utmost Endeavours to keep these Auditors from looking into the Practice of that Church. There is somewhat so Devout, so Reverend, and so Christian, in our Forms of Worship, and particularly in that of Administring the Sacrament, that the safest way to keep People from complying with them, is to keep them from knowing what they are. And there have been so many considerable Families, that by an occasional Conformity at first, have been brought to a Constant Conformity at last: that it is no wonder, those who are so violent for a Separation, should be against those Methods that have brought so many to an Union. But that Mr. B——, who professes himself so zealous a Friend to our Church, should call these the Better Sort of Dissenters, who are the most violent against it; and should declare so warmly against a Practice, by which the Church has gain'd so many Profelytes already, and is so likely to gain the rest, that, I confess, is to me a little Extraordinary.

But however some rigid Dissenters may disapprove the Practice of the Occasional Conformists, I make no doubt but the most violent of them would be alarm'd at any thing done against it; or ever imagine, that if the Law were once alter'd to the Prejudice of those Dissenters who approach so nearly to our Church, they might not soon expect a more severe Law against those Dissenters, who are so very distant from it.

But Mr. B——, you tell me, says farther, *That the employing Persons of a different Religion from that establish'd by Law, has never been practis'd by any wise Government; and is not allow'd even in Holland at this Day.*

What Governments Mr. B—— will allow to be Wise ones I shall not take upon me to determine; but that in all Ages, and in all Countries, where there were not Persecutions for Religion, the Governments have employ'd Persons under them who were of different Religions, is so very notorious, that it  
( E 3 ) would

would seem ridiculous to give particular Instances. The *Jews* employ'd the Sadduces, and the Heathen employ'd the *Jews*: The Pagans employ'd the Christians; and the Christians the Pagans: In *France*, (which seems to be the Place some Persons propose for the Model of their Politicks, and Church Discipline) there was an Admiral, a Lord Treasurer, and a Constable of *France* (not to mention several others) who were Protestants. Nay, under this present Monarch (as great a Persecutor as he has prov'd since) the whole Army of *France* was entrusted in Protestant Hands. There is scarce a Town in *Holland* (whatever some have affirm'd to the contrary) where the Remonstrants, as well as the Calvinists, have not sometimes been in their publick Offices. Some of the Generals of their Army, and Governors even of their Frontier Towns, are at this very time *Roman* Catholics. They do not only employ all Christians without Distinction, but even *Jews* upon this Occasion; of which we had an Instance at *Madrid* in the late Reign, which caus'd a sort of Rupture between them and us: and that the other *German* Princes follow them in this, we may be convinc'd by the printed Dispute between Mr. *Limborch* and a Learned *Jew*, where there is a List of several *Jews*, at that very time actually employ'd at the *Hague*, as Publick Ministers from several of those Princes. And Queen *Elizabeth* employ'd Papists in her Councils, Fleets and Armies, during her whole Reign. Whether she was a wise Princess, or a Friend to the Church of *England*, let the World judge.

But let all this be as it will, the Matter in Question is not, whether Dissenters from the Establish'd Church are employ'd by the Government there; for tho' they are, yet there is not One employ'd, that I know of, under Her Majesty here. But the proper Question is, Whether it be Penal in any one who is in Office, to go to a separate Congregation? And this is so far from being penal, that the Calvinists and Remonstrants make no Scruple of going to one anothers Congregations, when there is any particular Occasion for it. Nor is there any  
Country

Country, that I know of, except *England*, where the receiving the Sacrament, or any other Religious Exercise, is necessary to qualify a Man for any Temporal Employment; so that we have gone a deal farther already, in that Matter, than any other Country has done.

‘ But this Sacramental Test, *Mr. B. ———* says, was thought necessary to preserve the Establish’d Church; which Church seems in as much Danger now from the Dissenters, as it was then from the Papists,

Every body knows the Circumstances our Affairs were in, at the time when this Test Act was made. We had a Sovereign upon the Throne, who was suspected to have a very strong Inclination towards Popery; and who, if the Proofs publish’d after his Death by Authority may be believ’d, was then actually a Papist. His Brother, who had then the greatest Share in the Administration, and who had the Fleet and Army in his own Hands, was a profess’d one. The Lord Treasurer, who had the Disposal of all the Publick Mony, was a Papist. The Persons employ’d in publick Trust, were such as were likely to pursue the Methods prescrib’d them by these. Secret Treaties were made with the *French King*; great Sums of Mony receiv’d from him; and his Ambassador was at the Head of our Affairs in *England*. In fine, there appear’d, upon all Occasions, an evident Disposition at Court to introduce Popery, and destroy the Liberty of the Subject; and there was a potent Foreign Prince ready at all times, to engage in any Enterprize against the Protestant Religion, and the Civil Rights of all *Europe*.

But is there any Danger like this from the Dissenters at present? Has ever the most malicious Enemy but once suspected her Majesty of any Designs against the Church of *England*? Is there any Man employ’d in any Office under Her, who has ever been said to be a Dissenter? Have the Dissenters shown any Inclinations to invade the Church? Are they not firmly united with her in the same



common Interest? Or, if they were not, Have they any Foreign Prince, either willing, or able to support them, in any Attempt against her?

Thus far I have consider'd the Reasons that are given for the Occasional Bill it self, and I must freely confess I can see none that can satisfie me of the Necessity of it. I think the Practice of Occasional Conformity, as us'd by Dissenters, so far from deserving the Title of a vile Hypocrisie, that I think it the Duty of all moderate Dissenters, upon their own Principles to do it. I think, that however it may be disapprov'd by some rigid Dissenters, it ought to be encourag'd by all good Church-Men, as a likely Means to bring them over. The employing Persons of a different Religion from the Establish'd, has been practis'd in all Countries where Liberty of Conscience has been allow'd: That we have gone farther already in excluding Dissenters, than any other Country has done: That whatever Reasons there were to apprehend our Religion in Danger from the Papists, when the Test Act was made, yet there does not seem the least Danger to it from the Dissenters now.

But on the other Hand I can see very plain Inconveniences from this Bill at present. As it was brought in this last time, indeed they have added a Preamble, that tho' it was put in the First Edition of the Bill, was left out in the Second, *viz. That the Act for Toleration should be always kept inviolable.* But the Toleration Act being to take away all the Penalties that a Man might incur by going to a separate Congregation, and the Occasional Bill being to lay new Penalties upon those that do it; how they can say that this is not it self a Violation of the other, I cannot very easily comprehend. I doubt it will put People in Mind of what pass'd in *France*, where every Edict against the Protestants began with a Protestation, That the Edict of *Nantz* ought to be always preserved inviolable, 'till that very Edict, in which it was in express Words repealed.

At a time that all *Europe* is engag'd in a bloody and expensive War ; at a time that this Nation has not only such considerable Foreign Foes to deal with, but has a Party in her own Bowels, ready upon all Occasions to call in a Popish Pretender, and involve us all in the same, or rather worse Calamities than those from which, with so much Blood and Treasure we have been freed : At a time that the Protestant Dissenters (however they may be in the wrong in separating from us) yet are heartily and undoubtedly united with us against the Common Foes to our Religion and Government ; what Advantage those, who are in earnest for defending these things, can have, by lessening the Number of such as are firmly united with them in this Common Cause, I cannot for my Life imagine.

But, notwithstanding I can see no Reason for such a Bill as this, yet I would not have it imagin'd, the Dangers of the Tack were founded upon this Bottom only. For People may have quite a different Opinion of this Bill ; they may think it convenient, they may think it, in some measure, necessary, and yet they may be against the running such a Risque, as the Tacking it to the necessary Supply. And, to do every Body Justice, several Gentlemen who were very zealous for this Bill, did however appear as zealous against *that dangerous Experiment* of Tacking it to the other.

*But Mr B——— says, This Bill being necessary for the Preservation of the Church, and having been twice refus'd by the House of Lords, the only way to secure its passing, was to Tack it to a Money Bill.*

This truly is a very compendious way of dispatching Business : It has always been thought the Excellency of our Constitution, that no new Law could be made, or old one repeal'd, without going through several Hands that were all Checks upon one another. Let the Commons be ever so much prepossess'd in favour of any thing, they cannot propose it to  
the

the Throne to pass into a Law, without Consent of the House of Lords. And let the Lords be ever so violent for any Bill, they cannot offer it to the Royal Assent, without the Concurrence of the House of Commons. And let both these Houses agree in their Opinion, yet it cannot pass into a Law, 'till it has had its Sanction from the Throne. These different Steps are wisely order'd by our Constitution, for fear any thing should pass into a Law by a particular Faction, by Heat of Parties, or by Inadvertency.

But this excellent Form of our Legislature is at an End, if Encouragement be given to this new manner of Tacking. As all Money Bills, however necessary for the Publick Safety, must have their Rise and Form in the House of Commons: If this House may add to their Money Bills new Laws of quite a different Nature to the Money; and if the Lords cannot after this pass the Money Bill, without consenting to the other too, then it is the House of Commons only that has the Right of Deliberating: For what Occasion can there be for the House of Lords to consider whether a Law be reasonable before they consent to it, when it is in the Power of the House of Commons to make them consent to it, whether they think it reasonable or not.

*But Mr. B——— says, That it has been an ancient Practice to Tack Bills, that were for the good of the Subject to Money Bills; that while heavy Taxes were laid upon the People for the good of the Crown; the Crown might, in return grant such Laws as were for the good of the People.*

Whatever Pretences may be made of the Antiquity of this Practice, yet every Body knows it has been very rare, and is of a very fresh Date, and has only been when these Two Circumstances have agreed.

*First.*



*First.* When Money was ask'd for the private Support of the Crown, and not for the general Necessity.

*Secondly.* When some Bill had been before refus'd by the Crown, that was judg'd necessary for the good of the Subject, not by some particular Men, or by one particular House, but by both Houses of Parliament.

But in the present Case, whatever Money was ask'd by the Queen, or granted by the Commons, was not for the private Support of the Crown, but for the general Necessity of the People. So far is Her Majesty from getting one Farthing by these Taxes, that it is very well known She has every Year, of Her own accord, contributed very largely out of Her own Private Revenue towards the War. They are given to carry on a War that is absolutely necessary for supporting the Rights and Liberties of *Europe*, which have been so notoriously Invaded by the *French King*, and to keep out a Pretender to our own Crown, who is bred up in the Religion and Principles of that Prince; and I hope no Man ever has, or ever will be thought fit to represent his Country in Parliament, who does not think this War necessary for the Interest of every Subject of *England*, as well as of Her Majesty.

In the Second Place, this Bill is so far from being thought for the good of the Nation by both Houses of Parliament, that one House had before, in Two successive Sessions, thought fit to reject it.

In the Third Place, if both Houses had agreed to it, there is no Reason to conclude Her Majesty would have refus'd the Royal Assent, in which Case only this way of Tacking had ever been used.

But tho' this way of Tacking had been sometimes practis'd, yet it is so far from being allow'd the Right of the Commons to do it, that the Lords have always before the passing any such Bill, how agreeable soever the Matter Tack'd might be to them,

en-

enter'd Protestations upon their Books against that manner of Proceeding. And when the House of Commons carry'd this pretended Right so far, as to offer at Tacking Clauses to Mony Bills, which the Lords did not think so reasonable to be pass'd, (tho' they never went so far as to Tack any thing the Lords had rejected before) the Lords, to preserve the Constitution, and that there might be a lasting Caution against all such Attempts, to ingross the whole Legislature to the House of Commons, at a time when there was no such Matter depending between the Two Houses, caus'd a Solemn Declaration to be enter'd upon their Book, and which was sign'd by the greatest part of them, that they would never after that time pass a Mony Bill, with any Clauses that were Foreign to the Subject of the Bill. And after such a Declaration so publickly made, enter'd and sign'd, the Commons could have no Design in Tacking such Clauses, but only to have the Bill miscarry.

' But Mr. B——— says, That the great Necessity there was for the Land Tax's passing, was rather an Argument for, than against this Proceeding. For what Danger could there be that the Lords (who pretend to be such great Patriots) should rather lose the necessary Supplies, than pass a Bill so requisite for Preservation of the Church.

How far this Bill had been for Preservation of the Church, I have considered already. And as for the Lords being such great Patriots, I wish some Members of the House of Commons have not given their Electors too much Cause to think the Lords better Patriots than their own Representatives. But notwithstanding that, no reasonable Man can believe they could ever have pass'd this Bill so Tack'd.

The House of Lords is an undoubted Part of the Legislature: This House, upon Solemn Debates before, thought this Bill not fit to be pass'd; and if the Com-

Commons, notwithstanding that, could have forc'd them into passing this Bill, by this Method, they must never have pretended to have rejected any Bill more. We see, by a Thousand Instances, that such a Right once given up is never to be retriev'd. And then they had not only parted with their Right of Debating for ever, but they had by that broken the *English* Constitution, and overthrown those Fundamental Rights of Legislature by which this Kingdom has flourish'd so long.

In the Second Place, they had fix'd an indelible Mark of Infamy upon their own Persons, if they had suffer'd themselves to be forc'd into the doing a thing, that upon a Solemn Deliberation they had resolv'd, nay, most of them had protested under their Hands, they would never consent to do.

'But, says Mr. B ----, if the Lords should refuse the Bill so Tack'd, Matters were not yet so bad; for it was but only Proroguing the Parliament for a few Days, and the Commons might have pass'd the Land Tax without the Tack.

I am very sorry to see Gentlemen pursue a bad Cause, 'till they are reduc'd to such wretched Evasions as these. Tho' I think there were no sort of Reason for Tacking this Bill, yet, if it had been once Tack'd, there might have been several Reasons for not receding from it. How little Pretence soever there may be for the Commons Rights of Tacking, yet there are several worthy Members, who would not have car'd to have given those Pretences entirely up; which must have been the Case, if they had departed from the Tack, after having once insisted upon it.

'Tis indeed Ridiculous to imagine that any one Man, who had voted for the Tack, would have given it up afterwards. However, if we could suppose a House of Commons so Childish, yet there must necessarily, by Parliamentary Forms, have been



been so much Time lost, and so great Delays in all Publick Business, as would have been very near as fatal as the granting no supplies at all.

The Duke of *Savoy* was so press'd, that nothing but a constant Supply of Money from hence, and a firm Expectation of a sudden Succour, could have made him support the Cause with that Zeal and Bravery that he did. Any Stop of his Supplies from hence, any fear of his early Succours (both which our Delays must inevitably have occasion'd) had forced him into a separate Peace; and then the *French Army* in *Italy* had march'd immediately into *Germany*, and fallen upon the Confederate Forces there.

The King of *Prussia* was newly and heartily enter'd into the League, and had agreed to send a considerable Body of Men to the Relief of the Duke of *Savoy*. But as they were first to receive Supplies from hence, what hopes could there be of their marching without those Supplies, or indeed, of that Prince's continuing in the Confederacy, when that very Nation that had persuaded him into it, was so little likely to support him in it.

*Portugal* had been so soften'd by a long Peace, that there was no thoughts of their continuing the War, but by their hopes of constant Succours from hence, and by the Success we had met at *Gibraltar*. This Town was thought so considerable by the *Spaniards*, that they had exerted their utmost Force against it. What a Damp the Loss of that had put upon our Affairs, one may easily guess by the Endeavours of the Enemy to regain it? And yet the Loss of that must have been the necessary Consequence of any Stop in our Supplies at Home.

The Success of the Confederate Forces had been so great in *Bavaria*, that they had agreed to deliver up all their Garrisons to them: But what likelihood was there of their performing that Agreement, if they had a Prospect of a sudden Succour from *Italy*?

Or

Or how should our Army have supported themselves without any hopes of Supplies from hence.

All the Confederates were then in Consultation how to carry on the War the next Year; and what Influence such a Miscarriage here would have had upon all their Proceedings, I almost tremble to think.

The *Frenob* King found such Difficulties in raising Supplies for the ensuing Campaign, that he was in a manner obliged to declare himself Bankrupt. But such an Encouragement from hence as the Tack had been, would have set his Matters right again, and one such Vote from our Parliament had made him sufficient Amends for all the Prejudice our Armies had done him.

I cannot conclude this Paper better, than with the Words of Her Majesty's most Gracious Speech to the Parliament at parting.

*We have, by the Blessing of God, a fair Prospect of this Great and Desirable End, (of a lasting Peace and Security) if we do not disappoint it by our own Unreasonable Humours and Animosity, the Fatal Effects of which we have so narrowly escap'd in this Session, that it ought to be a sufficient Warning against any Dangerous Experiment for the future.*

THE

*The Appointments of  
Edward R----l, Esq;  
(now E--- of O-----)  
when he was Ad---l of  
the Blue, and Ad---l of  
the F---t explained,  
and set in a clearer  
View.*

**I**N the Years 1689. and 1690. he was  
Tr---rer of the N---y at 3000 *l.* per  
*Ann.* Salary, Commissioner of the Ad-  
miralty 1000 *l.* and Ad---l of the *Blue*  
1277 *l.* 10 *s.* 0 *d.* and Sable Money 365 *l.* per  
*Ann.* (though he was out at Sea.)

|                         | <i>l.</i> | <i>s.</i> | <i>d.</i> |
|-------------------------|-----------|-----------|-----------|
| The whole for each Year | 5642      | 10        | 0         |
| For the two Years       | 11285     | 0         | 0         |



# The Appendix.

93

In the Years 1691. and 1692. he was Tr——r of the Navy 3000 l. per Ann. First C——r of the A——ty 1000 l. and Ad——l of the Fleet 2555 l.

The whole for each Year 6555 : 0 : 0

For the two Years 13110 : 0 : 0

He had in the Year 1691. to make his Equipage, the Grant of } 18000 : 0 : 0  
Suffolk-street, which was valued at }

He had in the Year 1692. to make his Equipage, a Grant out of the Underwoods of the Forest of } 12000 : 0 : 0  
Dean, }

In the Years 1694. and 1695. he was Tr——er of the N——y at 3000 l. per Ann. first C——r of the Ad——ty 1000 l. and Ad——l of the F——t 2555 l.

The whole for each Year 6555 : 0 : 0

For the two Years 13110 : 0 : 0

And for his Equipage going to Sea, a Grant of the Ground Rents of the House behind the Pay-Office } 10000 : 0 : 0  
in Broadstreet, valued at about }

(F) For

For the Years 1696. and 1697. he was continued in all the afore-said Employments, as also Ad— of the F—t with Table Money, tho' he was not at Sea, and Sir George Rooke's Commission as Admiral and Commander of the Fleet, bore date the 28th of April 1696. so that, for these two Years he was paid as a Supernumerary Admiral of the Fleet for each Year

2555: 0:0

For the two Years

5110: 0:0

So that Mr. R—l receiv'd for Salary and Equipage Money, from 1689. to 1697. inclusive, Eighty-two thousand Six-hundred and Fifteen Pounds,

82615: 0:0

Besides this great Sum, Mr. R—l had all the Plate given him, that was used on Board his Ship, when he carried over the Queen of Spain. He received great presents then from the King of Spain, and greater when the *English* Fleet wintered in the *Mediterranean*. And he made large and unwarrantable Deductions of Poundage for Slop-Cloaths, &c. from the poor Seamen; one account whereof laid before the House of Commons amounted to more than

22000: 0:0

This Sum added to what Mr. R—l receiv'd for Sallaries and Equipage makes the same, One-hundred, Four-thousand, Six-hundred and Fifteen Pounds.

104615: 0:0

Mr.

Mr. R——/ passed his Contingent Account for Nineteen-thousand Pounds by *Sign Manual*, the Navy-Board having refused to pass it for want of Vouchers, and because of some Extraordinary Articles, as the bringing to account the Gratuity he gave the Person that brought him the Jewel from the King of *Spain*, which Jewel was valued at Seven thousand Pistoles, and the Apothecary's Bill, and Fees that he gave to his Physician, that attended him during a slight Sicknes at *Alicant*, hire of his House, Coach-hire, Expences on the Road, &c. for which particulars no allowance was ever craved before.

19000: 0: 0

Mr. R——/ passed his Victualling Account in the *Streights* of Eighty-thousand Pounds without any Vouchers, and by virtue only of a Privy-Seal.

80000: 0: 0

Mr. R——/ received from Sir *Martin Westcomb*, Commissioner of the Prizes at *Cadiz*, out of Moneys on Account of Prizes, about Ninety-thousand Pounds, which has never yet been accounted.

90000: 0: 0

Mr. R——/ laid several *Genoese* Captains in Irons, till they had bought their passes of him; besides many other great and undue Advantages that he made in the *Streights*.

Moneys not duly accounted for by Mr. R——/ One-hundred Eighty-nine-thousand Pounds.

189000: 0: 0



*So that the whole stand thus.*

The Sum received by Mr. R—l  
from 1689. to 1697. inclusive for  
Salaries, Equipage, and by De-  
ductions of Poundage for Slop-  
Cloaths, &c. from the poor Sea-  
men, One hundred Four-thousand  
Six-hundred and Fifteen Pounds. } 104615: 0:0

Moneys received, and not duly  
accounted for by Mr. R—l to  
the Publick, One-hundred and  
Eighty-nine-thousand Pounds. } 189000: 0:0

These two Sums together make  
Two-hundred Ninety-three-thou-  
sand Six-hundred and Fifteen  
Pounds. } 293615: 0:0

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APPENDIX

*To the Third Year of the ANNALS of*  
*Queen ANNE's Reign.*

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Numb. I.

*The Act of Security, Pass'd in the Parliament  
of Scotland, and which had the Royal Assent  
on the Fifth of August, 1704.*

OUR Sovereign Lady the Queen's Majesty,  
with Advice and Consent of the Estates of  
Parliament, doth hereby statute and ordain,  
That in the event of Her Majesty's Death, or of the  
Death of any of her Majesty's Heirs and Successors,  
Kings or Queens of this Realm, this present Parlia-  
ment, or any other Parliament that shall be then in  
Being, shall not be dissolved by the said Death, but  
shall, and is hereby required and ordain'd, if Assem-  
bled, to sit and act in manner after-mentioned, not-  
withstanding of the said Death. And if the said Par-  
liament shall be under Adjournment, the time of the  
said Death, it shall, notwithstanding, meet precisely  
at Edinburgh the 20th Day after the Death aforesaid,  
A exclu-

excluding the Day thereof, whether the Day of the said Adjournment be sooner or later.

And it is further statuted and ordained, That in case there shall be no Parliament in Being at the time of the said Death, then the Estates or Members of the last preceding Parliament, without regard to any other Parliament that may possibly be indicted, but never met, nor constitute, shall meet at *Edinburgh* on the 20th Day after the said Death, the Day thereof excluded. And farther providing, That in all or any of the said Cases, if there shall happen to be any vacancy of a Member, by reason of Death or Promotion, the Barons or Burghs concerned shall have power to chuse and supply the said Vacancy in the accustomed manner. As likewise, That in all or any of the said Cases, no Person who hath been, is, or shall be then Papist, and hath not purged himself from Popery, by taking the *Formula* set down in the third Act of the Parliament 1700, before the said Death, shall be capable to be a Member of, or to elect, or be elected to the said meeting of the Estates in Parliament. And siclike, That no Englishman, or Foreigner, having a Scots Title, and not having an Estate of 12000*l.* Yearly Rent within this Kingdom, shall in the event aforesaid have place and vote in the said meeting of Estates. And the Estates of Parliament appointed, in case of the Death aforesaid, to continue or meet as above, are hereby Authorized and Impowered, to act and administrate the Government in manner after-mentioned; that is. That upon the Death of her Majesty leaving Heirs of her own Body, or failing thereof, lawful Successors designed or appointed by her Majesty, and the Estates of Parliament, upon the Death of any succeeding King or Queen leaving Heirs or Successors as said is, the said Estates of Parliament are Authorized and Impowered, after having read to the Heir or Successor the Claim of Right, and desired them to accept the Government in the Terms thereof, to require of, and administrate to the said Heir or lawful Successor, by themselves, or such as they shall commissionate, the Coronation-Oath, and that with all convenient speed, not exceeding thirty Days after the meeting of the said Estates, if the said Heir or Successor be within the Isle of Britain,



tain, or if without the same, not exceeding three Months after the said meeting, in order to the exercising the Royal Power, conform to the Declaration of the said Estates contained in the Claim of Right.

As also in the Case of the said Heir or Successor, their being under Age, which, as to the Exercise of the Government, is hereby declared to be, until their attaining to seventeen Years compleat, to provide for, order and settle, within the space of sixty Days after the said Meeting, a Regency for the Kingdom, until the said Heir or Successor take the Coronation Oath, and do actually enter to the exercise of the Government; the Regent or Regents to be appointed always having the Claim of Right read to him or them as above, and he or they taking at his or their entry the Coronation Oath, and to continue for such space as the said Estates shall appoint, after the entry of which Heir or Successor to the exercise of the Government in manner aforesaid, or in settling the Regency in case of under Age, the said Estates of Parliament, shall only continue to sit and act for the space of three Months, unless they be sooner lawfully adjourned or dissolved by the said Heir or Successor's being entred, or by the Regent or Regents lawfully settled as said is.

And farther, Upon the Death of her Majesty, without Heirs of her Body, or a Successor lawfully designed or appointed as above, or in the case of any other King or Queen thereafter succeeding, and deceasing without lawful Heir or Successor, the aforesaid Estates of Parliament convened, or meeting, are hereby authorized and impowered, to nominate and declare the Successor to the Imperial Crown of this Realm, and to settle the Succession thereof upon the Heirs of the said Successor's Body; the said Successor and the Heir of the Successor's Body, being always of the Royal Line of Scotland, and of the True Protestant Religion.

Providing always that the same be not the Successor to the Crown of England, unless that in this present Session of Parliament, and any other Session of this, or any other ensuing Parliament during her Majesty's Reign, there be such Conditions of Government settled and enacted, as may secure the Honour and Sovereignty of this Crown and

*Kingdom, the Freedom, Frequency and Power of Parliaments, the Religion, Liberty and Trade of the Nation, from English, or any Foreign Influence, with Power to the said Meeting of Estates, to add such further Conditions of Government, as they shall think necessary, the same being consistent with, and no ways Derogatory from those which shall be enacted in this, and any other Session of Parliament during her Majesty's Reign.*

And it is hereby declared, That the said meeting of the Estates shall not have power to nominate the said Successor to the Crown of this Kingdom, in the Event above expressed, during the first Twenty Days after their Meeting, which Twenty Days being elapsed, they shall proceed to make the said Nomination with all convenient Diligence.

And it is hereby expressly provided and declared, That it shall be High Treason for any Person or Persons to administrate the Coronation-Oath, or be Witnesses to the administrating thereof, but by the appointment of the Estates of Parliament in manner abovementioned, or to own or acknowledge any Person as King or Queen of this Realm in the Event of her Majesty's Decease, leaving Heirs of Her Body, until they have sworn the Coronation-Oath, and accepted the Crown in the Terms of the Claim of Right, and in the Event of Her Majesty's Decease, without Heirs of Her Body, till they swear the Coronation Oath, and accept on the Terms of the Claim of Right, and of such other Conditions of Government as shall be settled in this, or any ensuing Parliament, or added in the said meeting of Estates, and be thereupon declared and admitted as above, which Crime shall be Irremissible, without consent of Parliament.

And because in the aforesaid Interval of Twenty Days, betwixt the said Death and meeting of Estates of Parliament, in case there be no Parliament assembled for the time, it is necessary that the Administration of the Government be provided for in that Interim. Therefore it is hereby declared, That in case of the Death of Her Majesty, or of any succeeding King or Queen of this Realm, in all, or any of the Events above-mentioned: The aforesaid Administration shall be in the Hands of such of the Members of the said Estates of Parliament, and such Members of the Privy.

*The Appendix.*

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vy Council, last in Being, as shall be at *Edinburgh* the time of the said Death, or shall come to *Edinburgh* before the aforesaid twentieth Day, and shall Meet in the Parliament House there, which Members of the Estates, and the said Members of the Privy-Council, are hereby impowered, to sit and act in the said Interim, for preserving the Peace and Quiet of the Kingdom allenary, and till the said Meeting of Estates, and no longer, 30 of the said Members of the Estates and Members of the former Council being a Quorum, the plurality being always of the Estates who were not of the former Council.

And it is hereby farther statuted and ordained, That all Commissions granted to the Officers of Estate, Lords of Treasury and Exchequer, President of the Privy-Council, and all other Civil Commissions that are now granted during pleasure, shall, by the Decease of the King or Queen reigning, become null and void, excepting Sheriffs, Stewards, and Justices of the Peace, in their respective Bounds.

*And for a further Security to this Kingdom, her Majesty, with Advice and Consent aforesaid, statutes and enacts, That the whole Protestant Heretors, and all the Burghs within the same, shall forthwith provide themselves with Fire-Arms for all the fencible Men, who are Protestants, within their respective Bounds, and those of the Bore proportioned to a Bullet of fourteen Drop weight running; and the said Heretors and Burghs are hereby impowered and ordained, to discipline, and exercise their said fencible Men once in the Month at least, the said Heretors always taking the Oath of Alleadgance and Assurance; as also such Heretors or fencible Men who are suspected of Popery, are hereby appointed, when required, to take the Formula mentioned in the Act of Parliament 1700, and that before the Sheriff of the Shire, or any other Judge within whose Jurisdiction they reside.*

And it is hereby likewise statuted and ordained, That upon the Decease of her Majesty, or any of her Heirs or Successors, the Commissions of all Officers of the standing Forces above a Captain, shall immediately become void and null; and that the Captains of the several Troops and Companies, and the Lieutenants of those who shall have belonged to the Colonels, Lieutenant-Colonels, and Majors, do continue to command their respective Troops and Companies,



panies, without extending their Command any farther, under pain of Treason, till further Orders from the said Estates or Committee in the Interval.

And further, Her Majesty with Advice and Consent aforesaid, requires and ordains all Officers and Soldiers, which shall happen to be in daily Pay, at the time of the Decease aforesaid, to continue in, or immediately repair to their respective Garrisons and Quarters, and not to remove from thence, but by Order of the said Estates or Committee above mention'd, upon pain of Treason.

And lastly, Her Majesty, with Advice and Consent aforesaid, Rescinds Casses and Annuls the seventeenth Act of the Session of the Parliament 1696, and all other Laws and Acts of Parliament, in so far as they are inconsistent with this Act.

## Numb. II.

*The Letter from the Duke of Marlborough to their High and Mightinesses, dated at the Camp at Ubermargen, July 3.*

*High and Mighty Lords,*

UPON our arrival at *Onderingen*, on *Tuesday*, I understood that the Elector of *Bavaria* had detach'd the best of his Foot to guard the Post of *Schellenberg*, where he had been casting up Intrenchments for some Days, because it was of great Importance; therefore I resolv'd to attack him there, and march'd yesterday Morning by Three a Clock at the head of a Detachment of 6000 Foot, and Thirty Squadrons of our Troops, and Three Batallions of Imperial Grana- diers; whereupon the Army begun their march to follow us but the way being very long and bad, we could not get to the River *Wernitz*, till about Noon, and 'twas full Three a Clock before we could lay Bridges for Transporting our Troops and Cannons; so that all things being ready, we attack'd them about Six in the Evening. The Attack lasted a full Hour, the Enemies defended themselves very vigorously, and were very strongly entrench'd; but at last were obliged to retire by the Valour of our Men

'Men, and the good God has given us a compleat Victory.

'We have taken 15 Cannon, with all their Tents and Baggage. The Count *d'Arco*, and the other Generals that commanded them, were oblig'd to save themselves by swimming over the *Danube*. I heartily wish your High and Mightiness good success from this happy beginning, which is so glorious for the Arms of the Allies, and from which I hope, by the Assistance of Heaven, we may reap many Advantages. We have lost very many brave Officers, and we cannot enough bewail the loss of the Heers *Goor* and *Beynheim*, who were kill'd in the Action. The Prince of *Baden* and General *Tbungen* are slightly wounded. Count *Stirum* has received a Wound cross his Body, but it's hop'd he will recover. The Hereditary Prince of *Hesse-Cassel*, Count *Horn*, a Lieutenant-General, and Major General *Wood*, and the Heer *Pallandt*, are also wounded. I can at present give your High and Mightinesses no more Particulars, but will not fail to do it the first Opportunity.

'A little before the Attack begun. the Baron of *Moltenburgh*, Adjutant-General to Prince *Eugene*, was sent to me by his Highness, with Advice that the *Mareschals* of *Villeroy* and *Tallard* were march'd to *Strasburgh*, having promis'd a great Reinforcement to the Elector of *Bavaria* by way of the *Black Forest*; and I had Advice by another Hand, that they design'd to send him 50 Batallions and 60 Squadrons of their best Troops. Since I was Witness how much the Heer *Mortagne* distinguish'd himself in this whole Action, I could not omit doing him the Justice to recommend him to your High and Mightinesses, to make up to him the loss of his General; wherefore I have pitch'd upon him to bring this to your High and Mightinesses, and to inform you of the Particulars.

I remain, &c.

Duke of *Marlborough*.

## Numb. III.

*The List of the English kill'd or wounded at Schellenbergh, as the respective Colonels have deliver'd it to the Duke of Marlborough, is as followeth.*

## FOOT.

OF the Foot Guards, Lieut. Coll. *Blount*, Capt. *Ra-leigh*, Capt. *West*, Quarter Master *Bibey*, kill'd. Lieut. Coll. *Primrose*, Lieut. Coll. *Farrars*, Capt. *Adams*, Capt. *Pocock*, Ensign *Smith*, Ensi. *Pearson*, Ensi. *Rich*, Ensi. *Denys Pujolas*, wounded. Serjeants kill'd 7, wounded 8, Centinels kill'd 75, wounded 127.

General *Churchil's* Regiment, Ensi. *Harrison*, Ensi. *Caldicut*, kill'd. Centinels kill'd 3, wounded 37.

Of the Earl of *Orkney's* 1st Batallion of *Scotch Royal*, Capt. *W. Murray*, Ensi. *Mac Dugal*, Ensi. *Mac Ilroy*, kill'd. Coll. *White*, Major *Cockburn*, Capt. *Hume*, Capt. *Irwin*, Capt. *Brown*, Lieut. *Kid*, Lieut. *Balentine*, Ensi. *Stratton*, Ensi. *Cunningham*, Ensi. *Stuart*, wounded. Serjeants kill'd 1, wounded 3. Centinels kill'd 38, wounded 103.

Of the Earl of *Orkney's* 2d. Batallion, Capt. *Baily*, Lieut. *Levinston*, kill'd. Major *Kerr*, Capt. *Carr*, Lieut. *Pearson*, Lieut. *Moor*, Lieut. *Vernel*, Lieut. *Hay*, Lieut. *Dickson*, Lieut. *Hamilton*, Ensi. *White*, Ensi. *Mac Queen*, Ensi. *Mac Onway*, Ensi. *Moremere*, Ensi. *Elliot*, Ensi. *Inglis*, Ensi. *Moor*, wounded. Serjeants kill'd 1, wounded 12, Centinels kill'd 76, wounded 184.

Of the Lord *North and Grey's* Regiment, Capt. *Croy*, kill'd. Serjeants wounded 3. Centinels kill'd 13, wounded 36.

Of Brigadeer *Webb's* Regiment, Ensi. *Savage* kill'd. Ensi. *Bzier*, Ensi. *Mason*, wounded. Serjeants wounded 2. Centinels kill'd 5, wounded 31.

Of the Earl of *Darby's* Regiment, Major *Mordaunt*, Ensi. *Charleton*, kill'd. Lieut. Coll. *Hamilton*, Capt. *Cogblan*, Ensi. *Key*, wounded. Serjeants kill'd 1, wounded 1. Centinels kill'd 19, wounded 34.

Of Brigadeer *Hamilton's* Regiment, Capt. *Leas*, Ensi. *Gillman*, Ensi. *Walsh*, Ensi. *Pensant*, wounded. Serjeants kill'd 1, wounded 3. Centinels kill'd 11, wounded 32.



## *The Appendix.*

2

Of Brigadier *How's* Regiment, Capt. *Bolton*, Capt. *Lefley*, Lieut. *Morris*, wounded. Sergeants kill'd 1, wounded 3. Centinels kill'd 9, wounded 19.

Of Brigadier *Row's* Regiment, Capt. *Kygoe*, Lieut. *Johnston*, Lieut. *Jo. Campbell*, wounded.

Of Brigadier *Ferguson's* Regiment, Capt. *Lawson*, Lieut. *Seaton*, wounded. Sergeants kill'd 1, wounded 3. Centinels kill'd 18, wounded 57.

Of Lieut. Gen. *Ingoldsby's* Regiment, Capt. *Harman*, Capt. *Ogilvy*, Lieut. *Frazier*, Lieut. *Agan*, Lieut. *Price*, kill'd. Coll. *Sabin*, Lieut. Coll. *Jones*, Major *Ingoldsby*, Capt. *Eyme*, Lieut. *Jeverau*, Lieut. *Katrick*, Lieut. *Richards*, Lieut. *Cadroy*, Lieut. *Piggot*, Lieut. *Aldy*, Lieut. *Jones*, wounded. Sergeants kill'd 6, wounded 6. Centinels kill'd 60, wounded 156.

Of the Duke of *Marlborough's* Regiment, Capt. *Powel*, kill'd. Capt. *Bally*, Lieut. *Stapleton*, Lieut. *Walley*, Lieut. *Gardiner*, wounded. Sergeants kill'd 1. Centinels kill'd 28, wounded 44.

Of Coll. *Meredith's* Regiment, Lieut. *Cornwall*, Lieut. *Boukam*, Enf. *Billing*, Enf. *Jackson*, kill'd. Coll. *Meredith*, Lieut. *Cairns*, Lieut. *Neale*, Lieut. *Biron*, Lieut. *Scutnerby*, Enf. *Welsh*, Enf. *Onslow*, Enf. *Wood*, Enf. *Ogilvy*, Enf. *Kent*, wounded. Sergeants kill'd 1, wounded 3. Centinels kill'd 18, wounded 57.

## DRAGOONS.

Of the Lord *Haye's* Regiment, Capt. *Douglass*, kill'd. Capt. *Young*, Lieut. *Maltary*, wounded. Private Men kill'd 7, wounded 17.

Of Brigadier *Ross's* Regiment, Major *Caldwel*, Cornet *Hamilton*, wounded. Private Men kill'd 4, wounded 19.

## HORSE.

Of the five Regiments of Horse, Capt. *Carrington*, Adjutant *Skelton*, kill'd. Major Gen. *Wood*, Coll. *Palmer*, Major *Napper*, Lieut. *Tettefolle*, Lieut. *Kyrle*, Cornet *Charles Lawes*, Cornet *Ward*, Cornet *Clarke*, wounded. Private Men kill'd 13, wounded 53.

Mr. *Oglethorp*, Adjutant to the Duke of *Marlborough*, receiv'd a Pistol Shot thro' the Leg, and had a Contusion on one of his Thighs by a Musquet-shot, and is since dead of his Wounds.

Total of Officers kill'd 29, wounded 86. Of Sergeants and private Men, kill'd 407, wounded 1031.  
Numb.

## Numb. IV.

*The Emperor's Letter to the Duke of Marlborough,  
upon the Victory near Donawert.*

ILLustris sincerè Dilecte. Multa sunt & eximia  
vestra in me, Domumq; meam & rem communem  
merita, interque ea non postremo loco censenda Sin-  
gulare Studium, Cura & Diligentia, quæ in promo-  
vendo, festinandoque validissimo Auxilio à Serenis-  
sima & Potentissima Magnæ Britannix Regina,  
& Generalibus Fœderati Belgii Ordinibus, Mihi ad  
Danubium Submisso testati estis. Nullum vero ad-  
huc ducō illustrius quam quod illico post exercitus  
Vestri cum meo conjunctionem in celerrimâ fortif-  
simaque Castrorum hostilium ad Donaverdam ag-  
gressionē expugnationeq;e, diē hujus labentis Men-  
sis Secundâ, Vobis comparastis; hujus enim Suc-  
cessûs, quo mihi vix gratius atque hoc quidem tem-  
pore opportunius quicquam accidere potuit, potissi-  
mam partem Consilio, Prudentiæ & Executioni ve-  
stræ, nec non Copiarum sub Ductu vestro Militan-  
tium, miro Ardori & Constantiæ deberi, ipsimet  
Belli Duces mei & Ministri asserunt.

Præterquam igitur, quod tam præclara fortium  
& egregiorum Virorum Testimonia, atque ipsa adeo  
publicorum factorum Remuneratrix Fama, Nomini  
vestro laudes rependant amplissimas, me quoque,  
quem commoda ex illa victoria in publicam rem  
profluentia inprimis afficiunt, id vobis debere ex-  
istimavi, ut hoc literarum mearum calculo partam  
vobis gloriam condecorarem, simulque certos vos  
redderem, nullam me dimissurum occasionem reipsâ  
vobis declarandi, quam gratam & propensam erga  
Vos Voluntatem geram.

Vos interim, ut quæ tam strenuè fortiterque  
cœpistis, pari Alacritate & industria proseguami-  
ni, omniq; animi & virium impetu, unâ cum su-  
premo meo Locumtenente Generali Marchione Ba-  
densi, aliisq; Belli Ducibus meis in id incumbatis,  
quò contexatis extrema cum primis, Bellumque hoc  
in visceribus Germaniæ, a Bavaro seditiosè excitatum  
quam celerrimè conficiatis, non tam vos hortor  
quam certè expecto; in hoc enim summam Laudem

*The Appendix.*

II

' & Gloriam esse, idq; & ipsimet Serenissimæ Reginae  
' vestrae in Superiori Germaniâ, ubi post Hominum  
' Memoriam Victricia Anglicani Nominis Arma visa  
' haud sunt, sempiterni instar Trophæi fore, abunde  
' agnoscetis.

' Quod superest Deum precor, ut Consilia Ausuf-  
' que vestros secundis eventibus beet, & propensissi-  
' mum Animi mei affectum vobis iterum iterumq;  
' confirmo. Dabam in Urbe mea Viennæ 12mo Julii,  
' 1704.

*The Translation of the foregoing Letter.*

ILLustrious Sincerely Beloved. Your Deserts to-  
wards Me, my House, and the Common Cause  
are great and many, and the singular Application,  
Care and Diligence, which you have express'd in  
bringing up and hastening the powerful Succours,  
which the Most Serene and Potent Queen of Great  
Britain, and the States General of the United Ne-  
therlands, have sent me to the Danube, are not to be  
rank'd in the last place; but nothing can be more glo-  
rious than what you have done after the Conjunction  
of your Army with mine, in the most speedy and vi-  
gorous Attack, and forcing of the Enemies Camp  
near Donawert the 2d of this Month; since my Ge-  
nerals themselves and Ministers declare, that the suc-  
cess of that Enterprize (which is more acceptable and  
advantageous to me in this present time, than almost  
any thing else that could befall me) is chiefly owing  
to your Councils, Prudence and Execution, and the  
wonderful Bravery and Constancy of the Troops  
who have fought under your Command.

Therefore altho' the Testimony of those great  
Men, and Fame it self, the Rewarder of Noble  
Actions, do highly and justly extol your Name; I,  
who reap the first advantage which this Victory  
brings to the Common Cause, have thought my self  
oblig'd to honour and illustrate the Glory you have  
gain'd, by the Testimony of my Letter, and to assure  
you, that I shall lose no opportunity to shew you by  
effects, how grateful and well inclin'd I am towards  
you. Mean time, that you carry on with the same  
Alacrity and Industry what you have so valiantly and  
vigorously begun, and that in conjunction with the  
Markgrave of Baden, my Lieutenant General, and  
other



other Commanders of my Troops, you use your utmost Endeavours and Force, that the end may answer this beginning, and that the War which the *Bavarian* has seditiously rais'd in the Bowels of *Germany*, may be brought to a most speedy Conclusion, I do not so much exhort you to, as I am confident of it: for you cannot but be fully satisfy'd, that there is the highest Glory and Honour therein, and that this will be an eternal Trophy to your most Serene Queen in the *Upper Germany*, where the victorious Arms of the *English* Nation were never seen in the Memory of Man. I pray God to bless with a prosperous Success your Councils and Enterprizes, and I confirm to you again and again the most favourable inclination and affection of my Mind towards you.

*Given in my City of Vienna, July the 12th 1704.*

Numb. V.

*A Letter written by the Duke of MARLBOROUGH on Horseback, with a Leaden Pencil, to his Dutcheſs.*

*August 13. 1704.*

' I Have not time to say more than to beg of you to  
' present my Humble Duty to the Queen, and to  
' let her Majesty know, That her Army has had a  
' Glorious Victory: Monsieur Tallard, and two other  
' Generals, are in my Coach, and I am following the  
' rest: The Bearer, my Aid de Camp, Collonel Park,  
' will give her Majesty an Account of what has passed: I shall do it in a day or two by another more  
' at large. *Marlborough.*

Numb. VI.

*A Letter from the same, to Mr. Secretary Harley.*

*Camp at Hochstet, Thursday Morning.*

SIR,

' I Gave you an Account on *Sunday* of the Situation  
' we were then in, and that we expected to hear  
' the Enemy would pass the *Danube* at *Lawingen*, in  
order

order to attack Prince *Eugene*. At Eleven that Night we had an Express from him, That the Enemy were come over, and desiring he might be reinforc'd as soon as possible; whereupon I ordered my Brother *Churchill* to advance at one a-Clock in the Morning with his 20 Batallions, and by Three the whole Army was in Motion. For the greater Expedition, I ordered part of the Troops to pass over the *Danube*, and follow the march of the 20 Bataillions, and with most of the Horse, and the Foot of the First Line, I passed the *Lech* at *Rain*, and came over the *Danube* at *Donawert*, so that we all join'd the Prince that Night, intending to advance and take this Camp of *Hochstet*. In order whereto, we went out on *Tuesday* early in the Morning with 40 Squadrons to view the Ground, but found the Enemy had already possess'd themselves of it: Whereupon we resolv'd to attack them, and accordingly we march'd between Three and Four yesterday Morning from the Camp at *Munster*, leaving all our Tents standing; about six we came in view of the Enemy, who, we found, did not expect so early a Visit. The Cannon began to play about half an hour after Eight: They formed themselves in two Bodies, the Elector with Monsieur *Marsin* and their Troops on our Right, and Monsieur *de Tallard*, with all his own, on our Left, which last fell to my share. They had two little Rivulets, besides a Morass, before them, which we were oblig'd to pass over in their view, and Prince *Eugene* was forc'd to take a great compass to come to the Enemy, so that it was one a-Clock before the Battle began. It lasted with great vigour till Sun-set, when the Enemy were oblig'd to retire, and by the Blessing of God we obtain'd a compleat Victory. We have cut off great numbers of them, as well in the Action, as in the Retreat, besides upwards of 30 Squadrons of the *French*, which I push'd into the *Danube*, where we saw the greatest part of them perish: Monsieur *de Tallard*, with several of his General Officers, being taken Prisoners at the same time: And in the Village of *Bleinheim*, which the Enemy had Intrench'd and Fortify'd, and where they made the greatest Opposition, I oblig'd 26 entire Batallions, and 12 Squadrons of Dragoons,

to

' to Surrender themselves Prisoners at Discretion.  
 ' We took likewise all their Tents standing, with their  
 ' Cannon and Ammunition, as also a great number  
 ' of Standards, Kettle Drums and Colours, in the  
 ' Action; so that I reckon the greatest part of Mon-  
 ' sieur *Tallard's* Army is taken or destroy'd. The  
 ' Bravery of all our Troops on this occasion cannot  
 ' be express'd, the Generals, as well as the Officers  
 ' and Soldiers, behaving themselves with the greatest  
 ' Courage and Resolution: The Horse and Dra-  
 ' goons having been oblig'd to Charge four or five  
 ' several times. The Elector and Monsieur *de Marsin*  
 ' were so advantageously posted, that Prince *Eugene*  
 ' could make no Impression on them till the third At-  
 ' tack, at near Seven at Night, when he made a great  
 ' slaughter of them: But being near a Wood side, a  
 ' good Body of *Bavarians* retired into it, and the rest  
 ' of that Army retreated towards *Lawingen*, it being  
 ' too late, and the Troops too much tired to pursue  
 ' them far. I cannot say too much in the Praise of  
 ' the Prince's good Conduct, and the Bravery of his  
 ' Troops, on this occasion. You will please to lay  
 ' this before her Majesty and his Royal Highness, to  
 ' whom I send my Lord *Tunbridge* with the good  
 ' News. I pray you will likewise inform your self,  
 ' and let me know her Majesty's Pleasure, as well  
 ' relating to Monsieur *de Tallard* and the other Gene-  
 ' ral Officers, as for the Disposal of near 1200 other  
 ' Officers, and between 8 and 9000 Common Soldiers,  
 ' who being all made Prisoners by her Majesty's  
 ' Troops, are entirely at her Disposal; but as the  
 ' Charge of subsisting these Officers and Men must  
 ' be very great, I presume her Majesty will be in-  
 ' clin'd that they be Exchanged for any other Priso-  
 ' ners that offer.

' I should likewise be glad to receive Her Majesty's  
 ' Directions for the Disposal of the Standards and  
 ' Colours, whereof I have not yet the number, but  
 ' guess there cannot be less than 100, which is more  
 ' than has been taken in any Battle these many  
 ' Years.

' You will easily believe, that in so long and  
 ' vigorous an Action, the *English*, who had so  
 ' great a Share in it, must have suffered as well  
 ' in



'in Officers as Men, but I have not yet the parti-  
'culars. I am,

SIR,

*Your most Obedient humble Servant,*

MARLBOROUGH.

Numb. VII.

*The Duke of MARLBOROUGH's Letter to  
the States of the United Provinces.*

*High and Mighty Lords,*

'I Gave my self the Honour to write on *Sunday* last  
'to your High Mightinesses, to acquaint you with  
'our Resolution to besiege *Ingolstat*, and with the  
'posture of the Enemy. The same Day in the E-  
'vening, we were inform'd that the Enemy had pass'd  
'the *Danube* at *Lavingen*, whereupon I order'd about  
'Midnight General *Churchill*, who had that day  
'pass'd the *Danube* with 20 Batallions, to reinforce  
'Prince *Eugene*, and at 3 of the Clock in the Morn-  
'ing, I march'd with the rest of the Army, and for  
'greater Expedition, part of the Forces march'd the  
'same way as General *Churchill* had done, and the  
'Horse with the first Line of the Infantry pass'd the  
'*Lech* at *Rhain*, and the *Danube* at *Donawert*. We  
'joyn'd Prince *Eugene* the same Day in the Evening,  
'and incamp'd the Right at *Appertzhofen*, and the  
'Left at *Munster*, designing to incamp the next Day  
'in the Camp of *Hochstet*; But when Prince *Eugene*  
'and I went to view the same with 40 Squadrons, we  
'found that the Enemy had prevented us, and were  
'posted therein, whereupon we resolv'd to march a-  
'gainst them, as we did Yesterday. The Army was  
'in motion at Two in the Morning, which the Ene-  
'my did not expect, and we came in sight about six,  
'and began to Cannonade between 8 and 9. As the  
'Enemy had two Rivulets before them, and a sort  
'of a Morass, the Cavalry was oblig'd to file, and  
'Prince *Eugene* forc'd to fetch a great Compass a-  
'bout; and it was full One of the Clock in the Af-  
'ternoon before we could engage. The Enemy  
'form'd two Bodies, the Elector and Monsieur *de*  
'*Marfin* had the Left, and Monsieur *de Tallard* the  
'Right

Right with all his Forces. It was my Lot to have to do with the latter. The Action grew very hot, and lasted till Sun-set, when it pleas'd God to bless the Allies with one of the greatest and most compleat Victories that ever was. It is impossible to express the Bravery of our Troops, and the Generals, Officers and Soldiers deserve all the Praises that can be given. The Horse were oblig'd to renew the charge 4 or 5 times. but I have not time now to enter into the Particulars. The whole Army of the Enemy was routed. We made a terrible slaughter of them, and took their Camp with their Cannon and Ammunition. On my side we drove above 30 Squadrons into the *Danube*, where we saw them perish for the most part. We have taken Monsieur de Tallard, with many of the General Officers Prisoners. The Enemy had fortify'd a Village call'd *Bleinheim* wherein I have taken 26 Batallions, and 12 Squadrons, all Prisoners at Discretion. We have besides taken a great number of Standards and Colours.

I have not yet a particular Account of what was done in the Right, but the good Conduct of Prince *Eugene*, and the Bravery of his Troops, have shined in a particular manner on this glorious Day, upon which, I could not defer any longer to Congratulate your High Mightinesses, referring to Colonel *Panton*, one of my Adjutants General, who was in the Action, to give you the further Particulars by Word of Mouth. I am, &c. Signed,

*The Duke of Marlborough, from the Camp of  
Hochstet, August the 14th. 1704.*

### Numb. VIII.

*Another Letter from the same to the same.*

*High and Mighty Lords,*

I Gave my self the Honour to write to your High Mightinesses on *Thursday* last by Collonel *Panton*, one of my Adjutants General, to impart to you the happy success, of the Arms of the Allies in *Germany*, and the glorious Victory which we have obtain'd over the Enemy, of which we feel every day the good influence. The number of Prisoners encrease

' encrease hourly, and we reckon to have now a-  
 ' bout 11000, besides about 1200 Officers. I must  
 ' confess that great number is very troublesome to us,  
 ' there being few places in this Country to put them  
 ' in. This obliges me to desire your High Mighti-  
 ' nesses to do me the honour to let me know whe-  
 ' ther we may send down by Water, the share of  
 ' of the Prisoners belonging to *England* and your  
 ' High Mightinesses, that they may be dispos'd of  
 ' in the places of the *United Provinces*. Mean time  
 ' we shall endeavour to ease our selves of them in  
 ' this Country, as soon as possible, for nothing else  
 ' stops us here.

' As the Face of Affairs, in this Country, is wholly  
 ' chang'd at present, Prince *Eugene* and I have im-  
 ' parted to Prince *Lewis* of *Baden* our sentiments;  
 ' that to amuse our selves at the Siege of *Ingolstadt*.  
 ' at present, will be but losing of time, and that  
 ' we believe it will be more advantageous for the good  
 ' of the Common Cause, to joyn all our Forces  
 ' to streighten more and more the Enemy, and ob-  
 ' lige the *French* to quit *Germany*, and repass the  
 ' *Rhine*; for then not only *Ingolstadt*, but also the  
 ' whole Country of *Bavaria* must fall of themselves.  
 ' We have an instance of it in the case of the City  
 ' of *Augsburgh*, which the Enemy quitted yester-  
 ' day morning. Their Deputies are come hither to  
 ' desire our protection, and a detachment is marching  
 ' thither to take possession thereof. We hourly ex-  
 ' pect an answer from the Prince of *Baden* on this  
 ' subject.

' This day we have return'd Thanks to God  
 ' through the whole Army, for his favour towards  
 ' us, which appears the more conspicuous, in that  
 ' the Enemy own, that their Army consisted of 82  
 ' Batallions and 147 Squadrons, which were advan-  
 ' tageously posted; whereas we had but 64 Batallions  
 ' and 166 Squadrons, of which number 1500 Horse  
 ' were detach'd with the Prince of *Baden*. This  
 ' Evening we are to make publick rejoycings, by  
 ' a general discharge of all our Artillery and small  
 ' Shot throughout the Army.

' I have nothing further to add, but I cannot con-  
 ' clude, without repeating to your High Mightines-  
 ' ses, that the Valour and good Conduct of the Baron



de Hompesch, and your other Generals, and also the  
 Bravery which the Officers and Soldiers of your  
 Troops have expressed on this occasion, deserve the  
 greatest Encomiums. I therefore flatter my self,  
 that in filling up the vacancies, your High Mighti-  
 nesses will have a particular regard for such who  
 have been in the Action, and for the recommenda-  
 tion of their Generals, who were Eye Witnesses of  
 their Behaviour. I am, &c. Sign'd,  
 The Duke of Marlborough.  
 From the Camp at Steinheim, August 17. 1704.

## Numb. IX.

Their High and Mightiness's Letter to my Lord Duke  
 of Marlborough, in Answer to that of his Grace,  
 which was brought to them by Colonel Panton.

Colonel Panton has brought us your Excellency's  
 welcome Letter, dated from the Camp at Hoch-  
 stedt the 14th Instant, and has related to us what  
 passed in the Memorable Battle fought the Day be-  
 fore.

We return your Excellency most hearty Thanks  
 for the speedy notice you were pleased to send us of  
 so agreeable News. After the first Blow you gave  
 them at Schellenberg, we had reason to expect some-  
 what much greater would follow, but never durst  
 have carry'd our Hopes so far as to think of so Glo-  
 rious and compleat a Victory, as you have, with  
 the Army of the Allies, gained over the Enemy.

The Action of that day has placed the greatness of  
 your Merit in its true Lustre: A day whose Glory  
 might have been envied by the greatest Captains of  
 of past Ages, and whose Memory will endure thro'  
 all Ages to come.

We heartily Congratulate your Excellency upon  
 this Occasion, and rejoyce for the Glory you have  
 acquired, as well as for the Advantage the Com-  
 mon Cause has obtain'd thereby. This Action will  
 let France see that Her Troops are not Invincible,  
 and will prove such a Blow, as that King never felt  
 in the whole Course of his Reign. And therefore  
 we give Thanks to God, whose Goodness has blest  
 your brave Attempt, and pray that he will  
 prosper

prosper more and more your Generous Designs:  
Assuring you, That none can be with greater Esteem  
and more Sincerity than we are, &c.

Numb. X.

*The Mareſchal de Marſin's Letter to the King of  
France, concerning the Battle at Hochſtet.*

ON the 10th. in the Morning we had Advice that  
Princ<sup>s</sup> Lewis of Baden, with 24 Batallions and  
31 Squadrons, was detach'd from the Enemies  
Camp to besiege *Ingolstadt*, upon which we resolv'd  
to march to *Lavingen*: And the Post of *Hochſtet* be-  
ing found most advantageous, the Elector encamp-  
ed his Army there. On the 12th we call'd a Coun-  
sel of War, to consider whether we should stay for  
the Enemy, who was marching towards us, and  
resolved we should, On the 13th. in the Morning  
the Armies came in sight of one another. Mareſ-  
chal *Tallard* and his Troops had the Right, and the  
Elector and I were on the Left. Prince *Eugene*  
was on the Enemies Right, and the Duke of *Marl-  
borough* on their Left; the Enemy spent the whole  
Morning in Movements, to draw themselves up  
with Advantage; and at nine a Clock the Cannon  
began to play on both sides. About one a Clock  
the Battel grew hot; the Elector broke the Enemies  
Right several times, but they immediately ral-  
lied again. Their Foot stood bravely to it, being  
supported by their Horse. Our Right did likewise  
make several advantageous Charges upon their  
Left, but about six at Night the Enemy pass'd a  
Morass, which our Engineers thought unpassable,  
and attack'd our Right on the Flank and broke the  
same. 26 Battallions and 4 Regiments of Dra-  
goons threw themselves into the Village of *Bleinheim*,  
where they were encompassed by the Enemy and  
oblig'd to surrender.

When the Elector saw this unhappy Result, we  
resolved to retire with the Left and the Body of the  
Battle to *Ulm*, some of the Cavalry of the Right  
join'd us; but several Squadrons not being able to  
come up with the Body threw themselves into the  
*Danube*, where Mareſchal de *Tallard* was taken.

We arriv'd yesternight at *Ulm* with 31. Battallions  
 and 62 Squadrons without being pursu'd, and have  
 sav'd 18 Cannon, with part of the Baggage. Of  
 your Majesty's, and the *Bavarian* Troops, there are  
 10000 kill'd, besides what are taken, but we have  
 very many wounded; abundance of Officers and  
 and Soldiers who have escap'd from the Enemy join  
 us continually. I shall speedily send your Majesty  
 an Account of the State of our Army after the Bat-  
 tle, that it may be compar'd with that sent by the  
 Elector five days ago.

### Numb. XI.

*The Duke of MARLBOROUGH's Letter  
 to the States General. From the Camp at Se-  
 felingen.*

*High and Mighty Lords.*

I Gave my self the Honour to write to your High  
 Mightinesses on *Sunday* last, from *Steynheim*.  
 The next day after, the Marechal of *Tallard* with  
 the other Officers of Note, was sent towards *Franck-  
 furt* and *Hanau*, under a Guard of Dragoons. We  
 have made the repartition of the other Prisoners,  
 who are sent into the Neighbouring places, that  
 they may be more easily Guarded, till they are sent  
 away. Their number is greater than was at first be-  
 liev'd, since they exceed 13000 Officers and Sol-  
 diers, including about 3000, which have List'd  
 themselves in the Confederate Troops. On *Tues-  
 day* the Army decamp'd and march'd to *Gondelsfin-  
 gen*. Yesterday we advanc'd to *Ober Elchingen*,  
 and this day to this Camp, which is about half a  
 league from *Ulm*. We have found a great num-  
 ber of Officers buried in the Villages through which  
 we march'd, and some Citizens of *Ulm* assure us,  
 that when the Enemy march'd from thence, they  
 carried away above 7000 wounded, amongst whom  
 were about 1000 Officers. They burnt a great  
 many Waggon, to make use of the Horses to car-  
 ry off the Officers upon Brancars (this is a sort  
 of a Litter;) our Hussars and several Parties of  
 Horse follow them very closely, who, together  
 with the Boors have kill'd a great number of the  
 Soldiers of the Enemy, whom they found stragling.



‘We begin to streighthen *Ulm*, expecting the arrival  
 ‘of the Prince of *Baden*, who passed the *Danube*  
 ‘this day at *Donawert*, and as soon as he is come,  
 ‘and that we have regulated what Troops are to  
 ‘carry on this Siege, I shall advance towards the  
 ‘*Rhine*, with the Forces that I have the honour to  
 ‘Command. This morning a Deputy of the City  
 ‘*Memingen* came to our Camp, to desire our Pro-  
 ‘tection; and reports, That the Electress of *Bava-*  
 ‘*ria* was gone through that place with 5 of her Chil-  
 ‘dren under a Guard of 14 Squadrons, to joyn the  
 ‘Elector, who, according to our last advices, was  
 ‘about *Dutlingen*, with the Mareschal of *Marfin*.  
 ‘I am, &c. Sign’d,

The Duke of Marlborough.

Numb. XII.

*A List of the English Officers kill’d and wounded  
 in the Battle of Bleinheim.*

F O O T.

OF the Battallion of Guards. Coll. *Phil. Dormet*,  
 kill’d. Lord *Mordaunt*, Capt. *Ja. Dormer*, Capt.  
*Pocock*, Ens. *Reeves*, Ens. *Campion*, wounded.

Of the Lord *Orkney*’s 2 Battallions. Coll. *White*,  
 Ens. *Mac. Conway*, Ens. *Craig*, kill’d. Capt. *Ja. Cunning-*  
*ham*, Lord *Forbes*, Capt. *Montgomery*, Capt. *Bruce*,  
 Capt. *Lindsey*, Lieut. *Harroway*, Lieut. *Lisle*, Ens. *Hume*,  
 wounded.

Of General *Churchill*’s Regiment. Lieut. *Scrimpsour*,  
 Lieut. *Palfrey*, kill’d. Lieut. Coll. *Peyton*, Major *Her-*  
*ley*, Capt. *Meols*, Capt. *Luke*, Capt. *Slaughter*, Ensign  
*Montgomery*, Ens. *Bolton*, Ens. *Campion*, Ens. *Smith*,  
 wounded.

Of Brigadier *Webb*’s Regiment. Capt. *Leon. Lloyd*,  
 Lieut. *Beiser*, wounded.

Of the Lord *North* and *Gray*’s Regiment. Capt.  
*Daws*, Sir *J. Sands*, Capt. *Cavendish*, Capt. *Burton*,  
 Lieut. *Freer*, Lieut. *Weeks*, Ens. *Breames*, Ens. *Dawson*,  
 kill’d. Lord *North* and *Gray*, Major *Glanville*, Capt.  
*Cunningham*, Captain *Spotswood*, Lieut. *Buller*, Lieut.  
*Boylblanc*, Lieut. *Hornby*, Ensign *Croy*, Ens. *Rossington*,  
 wounded.

Of Brigadier *How's* Regiment. Major *Cornwallis*, Capt. *Tankard*, Lieut. *Kerr*, Lieut. *Simmons*, Ens. *Jackson*, kill'd. Lieut. Coll. *Bretton*, Major *Armstrong*, Capt. *Villebonne*, Capt. *Gaston*, Lieut. *Barton*, Lieut. *Dickenson*, Lieut. *Harrison*, Ens. *Lesly*, Ens. *Hargrave*, Ens. *Edwards*, Ens. *Dean*, Ens. *Patrick*, Ens. *Dawson*, wounded.

Of the Earl of *Derby's* Regiment. Capt. *Coghlan*, Lieut. *Brown*, Ens. *Sabin*, Ens. *Hosketh*, kill'd. Coll. *Hamilton*, Capt. *Hesketh*, Capt. *Fleming*, Capt. *Leo*, Capt. *Horne*, Lieut. *Vicarige*, Lieut. *Jackson*, Lieut. *Ayllof*, Lieut. *Reddish*, Ens. *Gordon*, Ens. *Mackrich*, Ens. *Hook*, wounded.

Of Brigadier *Hamilton's* Regiment. Capt. *Browne*, Capt. *Rolliston*, Ens. *Moyle*, kill'd. Major *Cane*, Capt. *Pennetiere*, Capt. *Hussey*, Capt. *Vauclin*, Lieut. *Smith*, Lieut. *Roberts*, Lieut. *Weddle*, Lieut. *Blackney*, Lieut. *Harvey*, Ens. *Trip*, wounded.

Of Brigadier *Row's* Regiment. Coll. *Dalyel*, Capt. *Stretton Sen.* Capt. *Stretton Jun.* Lieut. *Vandergracht*, Lieut. *Will. Campbell*, Lieut. *Travallion*, kill'd. Brigadier *Row*, Major *Campbell*, Capt. *Crawford*, Capt. *Fairlee*, Lieut. *Dunber*, Lieut. *Ja. Douglas*, Lieut. *Elliot*, Lieut. *Ogilvy*, Lieut. *Maxwel*, Lieut. *Stuart*, Lieut. *Primrose*, Lieut. *Gorden*, wounded.

Of Brigadier *Ferguson's* Regiment. Capt. *Campbel*, Lieut. *Arch. Douglas*, Lieut. *Seaton*, Lieut. *Moncriff*, Ens. *Hay*, kill'd. Lieut. Coll. *Levinston*, Capt. *Smart*, Capt. *Blackader*, Capt. *Borthwick*, Capt. *Wilson*, Lieut. *Ferguson*, Ens. *Bernard*, Ens. *Maclean*, Ens. *Ogilvy*, Ens. *Row*, Ens. *Dalrimple*, Ens. *Olephant*, Ens. *Marshall*, Quarter-Master *Stephenson*, wounded.

Of Lieutenant General *Ingoldsby's* Regiment. Major *Geo. Morgan*, Capt. *Hen. Cookman*, Lieut. *Hugh Smith*, Lieut. *Griffith Jones*, Lieut. *Baily*, Lieut. *Fleetwood Dormer*, Lieut. *Rowland*, Lieut. *John Paterfon*, Adjutant *Powel*, wounded.

Of the Duke of *Marlborough's* Regiment. Capt. *Fitz-Simmons*, Capt. *Baily*, Lieut. *Parrot*, kill'd. Capt. *Titchburn*, Capt. *Pollixfen*, Capt. *Gardiner*, Capt. *La Coude*, Lieut. *Finch*, Lieut. *Alboreton*, Lieut. *Whitehall*, Ens. *Turner*, Ens. *Douglass*, wounded.

Of Coll. *Meridith's* Regiment. Lieut. *Cairnes*, Lieut. *Edmonds*, Lieut. *Biron*, wounded.

The Dragoons suffer'd so little, that only the Adjutant of *Ross's* Regiment was much wounded.

H O R S E.

Of Lieutenant General *Lumley's* Regiment. Lieut. *Barton*, Adjutant *Kingston*, wounded.

Of Lieutenant General *Wood's* Regiment. Lieut. Coll. *Featherstonebagh*, Cornet *Odiarn*, kill'd. Capt. *Armstrong*, Capt. *Shute*, Lieut. *Dove*, Cornet *Forrester*, Cornet *Stevenson*, wounded.

Of Lieut. General *Windham's* Regiment. Major *Chenevix*, Lieut. *Payne*, Cornet *Thompson*. Corn. *Sanders*, Quarter-Master *Crocker*, kill'd. Capt. *Windham*, Lieut. *Hall*, Cornet *Ward*, Cornet *Nevil*, Lieut. *Edmonds*, wounded.

Of the Duke of *Schomberg's* Regiment. Major *Creed*, Lieut. *Hawker*, Quarter-Master *Charleton*, kill'd. Capt. *Prime*, Corn. *Creuseau*, Lieut. *Palmes*, wounded.

Of Colonel *Codogan's* Regiment. Lieut. *Grobeir*, kill'd.

The following Officers died afterwards of their Wounds, viz. Brigadier *Row*; Lord *Forbes*, Captain in the Royal Regiment of Foot; Captain *Luke*, of General *Churchil's* Regiment; Captain *Vaughan*, of Brigadier *Hamilton's* Regiment, and Captain *Gardiner* of the Duke of *Marlborough's* Regiment.

The Regiments named in this List, with the Lord *John Hay's*, and Major General *Ross's* Regiments of Dragoons, are all the *English* and *Scotch* Forces that march'd up with the Duke of *Marlborough* into *Germany*.

Numb. XII.

A List of the Prisoners of Note, taken at the Battle of *Blenheim*.

THE Mareschal de *Tallard*; Marquis de *Montpe-rou*, Maître de Camp Général of Horse; Monsieur de *Hautefeuille*, Maître de Camp Général of Dragoons; Marquis de *Marivaux*, Lieutenant General; Marquis de *Blansac*, Marshal de Camp of Foot; Monsieur de *Valsame*, Marshal de Camp; Marquis de *la Valiere*, Marquis de *Silly*, Brigadier General of Horse;



Horſe; *Monſieur Deſnonville*, *Monſieur d'Amigay*, *Chevalier de Croiſſi*, *Monſieur de St. Second*, *Monſieur de Signey*, *Monſieur de Montfort*, *Brigadiers General of Foot*; *Monſieur Jolly*, *Brigadier General of Dragoons*; *Marquiſ de Seppeville*, *Monſieur de la Maſſeliere*, *Brigadiers General of the Gens d'Arms*; *Marq; de Saffenage*, *Aid de Camp* and *Son in-law to the Mareſchal de Tallard*; *Marquiſ de St. Pouange*, the *Chevalier de Ligonday*, *Colonels of Horſe*; *Marquiſ de Nonan*, *Colonel of the Regiment of Provence*; *Count de Tavannes*, *Count Schacq*, *Monſieur Biancourt*, *Monſieur Saubeuf*, *Count de Lionne*, *Marquiſ de Laſſy*, *Baron d'Elſen*, *Colonels of Foot*; *Marquiſ de Vaſſy*, *Marquiſ d'Aurival*, *Colonels of Dragoons*; *Prince Maubecq of Lorrain*, *Captain of Horſe*; *Marquiſ d'Auvet*, *Captain of the Gens d'Arms*; *Monſieur de Carman*, *Second Lieutenant of the Gens d'Arms*, and *Colonel*; *Monſieur d'Ovillars*, *Enſign of the Gens d'Arms*; *Monſieur Juiffac*, *Guidon of the Gens d'Arms*.

*A Liſt of the French Troops made Priſoners at Diſcretion in the Village of Bleinheim, the 13th of Auguſt, 1704.*

FOUR Regiments of Dragoons, viz. That of the *Maître de Camp General, La Reine, Vaſſy, Rouan*, conſiſting of three Squadrons each. Seventeen Regiments of Foot, viz. *Navarre* three *Barallions*, *Senneterre* 2, *Greder German* 2, *Aunis* 2, *Artois* 2, *Provence* 1, *Languedoc* 2, *Blaiſois* 1, *Argentois* 1, *Surlaube* 2, *St. Second* 1, *Laſſy* 1, *Boulonnois* 1, *Mouroux* 1, *Montfort* 2, *Royal* 3, Or the *Artillery* 1. In all, 28 *Barallions*.

#### Numb. XIV.

*The Emperor's Letter to the Duke of Marlborough, upon his Grace's Victory at Hochſter.*

ILLuſtriſſime Conſanguinee & Printeps chariſſime,  
 Lubenter admodum his Dilectionem veſtram  
 compello nominibus, quam non tam propter anti-  
 quiſſimam præclaræ Familæ ſuæ Nobilitatem,  
 quam ob propria decora & inſignia in Me, Do-  
 mumque

'mumque meam augustam & sacrum Romanum  
 'Imperium merita, inter Romani Imperii Principes  
 'sponte mea cooptandam duxi. Extare nimirum  
 'volui etiam hoc maximi in Germania Honoris à  
 'Me in Vos merito collati publicum Monumentum,  
 'quo magis omnibus pateat, quantum cum Sere-  
 'nissimæ Magnæ Britannæ Reginæ, quod Rebus  
 'meis & Imperii ob perfidiam Bavari ad Gallum de-  
 'fectionem non leviter concussis, eximias suppetias  
 'in Vindeliciam & Bavariam usque sub ductu vestro  
 'miserit, tum Dilectioni vestræ Me & Imperium de-  
 'bere ultro agnoscam, quod tam prudenter, tam  
 'fortiter, tam prosperè res gestæ sint; cum non Fa-  
 'ma sola sed meæ quoque Militiæ Supremi, Labo-  
 'rum vestrorum & Victoriarum Socii & Participes,  
 'eas vestris imprimis Consiliis & Virtuti Anglica-  
 'rumque, & Aliarum Copiarum sub directione vestra  
 'militantium Fortitudini, acceptas referant. Tantæ  
 'vero hæ sunt, præsertim Hochsteldensis, cui parem de  
 'Gallia reportatam a Secula non noverunt, retrò ut non  
 'modo Hostium perniciosissimos conatus repulso,  
 '& Vacillantibus non nihil Germaniæ, seu verius uni-  
 'versæ Europæ, Res rursus firmatas esse gratulari  
 'possimus, sed etiam porro sperare liceat, plenam  
 'mox & integram Christiani Orbis Libertatem, con-  
 'tra Gallicam Potentiam ejus Cervicibus imminen-  
 'tem, feliciter assertum iri. Quod cum Dilectionem  
 'vestram studia & operam suam omnem sine cessa-  
 'tione impensuram certus abunde sim, id mihi so-  
 'lum superest, ut fortunatos successus apprecer, Vo-  
 'bisque uberiora gratissimi animi documenta, quavis  
 'occasione promptissimè exhibenda denuè pol-  
 'licear.

*Dabantur in Urbe mea, Viennæ 28 Augusti 1704.*

*The literal Translation of that Letter.*

'M<sup>O</sup>st Illustrious Cousin, and most dear Prince, I  
 'do gladly call by these Names your Grace,  
 'whom I have freely and of my own accord admit-  
 'ted among the Princes of the Holy Roman Empire,  
 'nor so much in consideration of your noble Family,  
 'as upon account of your Personal Merit, and your  
 'great

great Deserts towards my August House, and the Holy  
 Roman Empire. I have been willing that this Pub-  
 lick Monument of the supream Honour in *Germany*,  
 which I have so deservedly conferr'd upon you  
 should remain, that it may more and more appear  
 to all the World, how much, as I freely own it,  
 I and all the Empire owe to the Most Serene Queen  
 of *Great Britain*, for having sent her powerful  
 Assistance as far as *Augsburgh* and *Bavaria* it self, un-  
 der your Conduct, when my own affairs, and those  
 of the Empire, were so much shaken and disorder'd  
 by the perfidious defection of the *Bavarians* to the  
*French*; and to your Grace, upon account that  
 things have been so prudently, so vigorously, and  
 successfully transacted; for not only Fame, but like-  
 wise the Generals of my Forces, the Companions  
 and Sharers of your Labours and Victories, attri-  
 bute the same chiefly to your Counsels, and the Va-  
 lour and Bravery of the *English* and other Forces,  
 who fought under your Conduct. These Actions  
 are so great, and particularly that of *Hochstet*, past  
 Ages having never seen the like Victory obtain'd  
 over the *French*, that we may rejoice to see, not only  
 the most pernicious efforts of the Enemy repuls'd,  
 and the Affairs of *Germany* which were somewhat  
 tottering, or rather those of all *Europe*, secured and  
 settled again, but likewise that it may be reasonably  
 hop'd, that the full and perfect Liberty of the Christi-  
 an World shall be rescued from the Power of *France*,  
 which was so imminently impending over it. Be-  
 ing entirely perswaded and sure, that your Grace  
 will, without intermission, apply all your Care and  
 industry towards that end, there remains nothing  
 else for me, but to wish you a prosperous success,  
 and that I assure you of further marks of my Grati-  
 tude upon all occasions, which I shall be ready to  
 express.

Given in my City of Vienna, August 28, 1704.

Numb. XV.



*The Appendix.*

27

*Numb. XV.*

*The Emperor's Letter to the States General.*

*LEOPOLD.*

**T**HE Happy, and beyond Expectation great Success of the bloody Battle lately fought near *Hochstet*, has spread a general Joy among all the Confederates. We, who do not limit our Joy to our own Interest solely, take no little Satisfaction in this Thought, that when our Affairs and those of the Empire were by the Practices of the *Bavarian* and others, put into so tottering a Condition, that they appear'd to want your Succour, you can also rejoyce, that not without good Effect, and to your Glory, you lent that Succour. And this you can do the more justly, because, as the chief Commanders of our Troops relate with great Praise, the Fidelity, Bravery and Resolution of your Officers and Soldiers shone wonderfully in that Action, and were no little Weight in the Scale of Victory. Thus an Occasion being given us of congratulating you, and of returning you great Thanks, we do both most willingly, and with an Affection that Words cannot describe: And we promise, that we will at all times, in sincere Friendship and Gratitude, be ready to make suitable Returns, for the singular Kindness and Benefit we have receiv'd from you. Furthermore, we beseech Almighty God, to preserve you and your Republick always safe, and flourishing in prosperous Successes of your Councils and Affairs.

*Given in our City of Vienna, Aug. 30. 1704.*

*Numb. XVI.*

*Marshal de Villars's Letter to the Abbot of St. Pierre*

**I** Understand by your last Letters, that some People, out of Compassion for unfortunate Men, excuse, that 27 Battallions and 4 Regiments of Dragoons,

goons, should choose to surrender Prisoners of War  
 while our Left Wing retir'd almost entire. These  
 Sentiments are very little like those of the ancient  
 Romans, who after the Battle of Cannæ, when Han-  
 nibal was at their Gates, were so far from excusing  
 their Prisoners, that they would not suffer their Sol-  
 diers, who had made their Escape out of that Fight  
 to come into their City. Curio, Cæsar's Lieutenant,  
 thought very differently from these Gentlemen; He  
 who would not retire with his Cavalry: How could  
 I appear, said he, before Cæsar after having lost his Le-  
 gions? What could they do better, say some silly  
 People, than to save to the King a great number of  
 Troops and Officers? 'Tis upon such Occasions as  
 this, that one must answer with the old Horatius,  
 Father to the 3 Champions of the Romans, in our  
 Corneille, when he heard his Son was run away.

---

*Qu'il Mourut,*  
*Qu'un beau desespoir alors le secourut.*

Dye on the spot, or be reliev'd by a noble Despair.  
 Thus the Spanish Infantry at Rocroy, Commanded by  
 the Old Count de Fontaines, chose rather to Perish  
 than beg Quarter. Ought not the Soldiers and Of-  
 ficers, seeking to fight their way with the Bayon-  
 net at the Muzzle of their Guns, to have prefer'd  
 a glorious Death to the Ignominy of Perishing with  
 Hunger and Misery in their Prisons? I am ashamed  
 for our Nation upon Account of so base a Surren-  
 der, and I see with a grief that I cannot express,  
 how short we come of the Ancient Romans, and of  
 French that I have known.

*Sign'd,*

*The Mareschal of Villars.*

Numb. XVII.

A LIST of the Partiton of the Officers, Soldiers, Horse and Dragoons, taken by the Allies, at the Battle of Hochstet.

Prince EUGENE's Share.

|                           | Bat.     | Capt.     | Lieut.    | Sub-Lieut. | Serg.     | Sold.      |
|---------------------------|----------|-----------|-----------|------------|-----------|------------|
| <b>N</b> Avarre           | 3        | 32        | 34        | 37         | 40        | 1029       |
| Santen                    | 2        | 20        | 16        | 18         | 33        | 570        |
| Greder                    | 2        | 29        | 33        | 0          | 28        | 236        |
| Aunix                     | 2        | 17        | 15        | 10         | 36        | 441        |
| Zurlaube                  | 2        | 24        | 34        | 8          | 38        | 360        |
| Monro                     | 1        | 8         | 8         | 6          | 20        | 297        |
| Agenois                   | 1        | 62        | 10        | 11         | 21        | 240        |
| Laffy                     | 1        | 11        | 7         | 3          | 18        | 200        |
| Blafou                    | 1        | 6         | 6         | 8          | 19        | 292        |
|                           | <hr/> 15 | <hr/> 153 | <hr/> 163 | <hr/> 91   | <hr/> 253 | <hr/> 3665 |
| Canoniers                 |          |           |           |            |           | 88         |
| 2 Commis. of Artill.      |          | 2         |           |            |           | 23         |
| Cavalry                   |          |           |           |            |           | 155        |
| Drag. Squad. Officers     |          |           |           |            |           |            |
| Maijt. de Camp            | 3        | 38        |           |            |           | 300        |
| Vasse                     | 3        | 38        |           |            |           | 289        |
|                           | <hr/>    | <hr/>     | <hr/>     | <hr/>      | <hr/>     | <hr/>      |
| The rest of the Regiments |          |           |           |            |           | 4520       |
| Royal Artill.             | 1        |           |           |            |           | 110        |
| Nice                      | 1        |           |           |            |           | 146        |
|                           | 231      | 163       | 91        | 253        |           | 4776       |

|                              |       |       |       |       |      |
|------------------------------|-------|-------|-------|-------|------|
| Captains                     | _____ | _____ | _____ | _____ | 231  |
| Lieutenants                  | _____ | _____ | _____ | _____ | 163  |
| Under Lieutenants            | _____ | _____ | _____ | _____ | 91   |
| Sergeants                    | _____ | _____ | _____ | _____ | 253  |
| Soldiers, Horse and Dragoons | _____ | _____ | _____ | _____ | 4776 |

Total of Prince EUGENE's Share 5514

The



The Duke of *MARLBOROUGH*'s Share.

Bat. Capt. Lieut. Sub-Lieut. Serg. Sold.

|               |       |       |       |       |       |       |
|---------------|-------|-------|-------|-------|-------|-------|
| <b>R</b> oyal | 3     | 32    | 29    | 22    | 42    | 980   |
| Provence      | 1     | 6     | 5     | 3     | 19    | 316   |
| Bolonois      | 1     | 10    | 9     | 10    | 20    | 308   |
| St. Second    | 1     | 11    | 13    | 0     | 18    | 213   |
| Languedoc     | 2     | 16    | 20    | 15    | 32    | 586   |
| Artois        | 2     | 20    | 20    | 16    | 33    | 660   |
| Rebec         | 1     | 1     | 6     | 2     | 16    | 175   |
| Chabillant    | 1     | 4     | 0     | 0     | 17    | 70    |
| Montfort      | 2     | 15    | 17    | 15    | 29    | 419   |
|               | <hr/> | <hr/> | <hr/> | <hr/> | <hr/> | <hr/> |
|               | 14    | 115   | 119   | 83    | 226   | 3727  |

## Officers wounded

|                  |   |    |   |   |   |     |
|------------------|---|----|---|---|---|-----|
| At Dillingen     | 0 | 60 | 0 | 0 | 0 | 0   |
| Cavalry          | 0 | 35 | 0 | 0 | 0 | 145 |
| Dragoons, Squad. |   |    |   |   |   |     |
| La Reine         | 3 | 50 | 0 | 0 | 0 | 281 |
| Roban            | 3 | 40 | 0 | 0 | 0 | 290 |

## The rest of the Regiments

4443

|                                |   |     |     |    |       |      |
|--------------------------------|---|-----|-----|----|-------|------|
| Albaret                        | 1 | —   | —   | —  | —     | 148  |
| Bandeville                     | 1 | —   | —   | —  | —     | 120  |
| Auxerroy                       | 1 | —   | —   | —  | —     | 239  |
|                                |   | 300 | 119 | 83 | 261   | 4950 |
| Captains                       | — | —   | —   | —  | 185 & | 115  |
| Lieutenants                    | — | —   | —   | —  | —     | 119  |
| Sub-Lieutenants                | — | —   | —   | —  | —     | 83   |
| Sergeants                      | — | —   | —   | —  | —     | 226  |
| Soldiers, Cavalry and Dragoons | — | —   | —   | —  | —     | 4950 |

Total of the Duke of *MARLBOROUGH*'s Share, 5678. In the whole 11192, besides 3000 who have taken Service among the Allies.

*The Appendix.*

Numb. XVIII.

31

*A Letter from a French General to Monsieur de Chamillard, Minister of State in France.*

Strasbourg, the 30th of Aug. 1704. N. S.

S I R,

THE Army marched the 12th from *Dillingen* and *Lawingen* to go and Encamp at *Bleinheim*, along a Rivulet which edg'd the Front of our Camp, which was said to be Moorish, but was not so; our Right reaching to the *Danube*, and our Left to a Hill cover'd by a thin Wood. The Elector having press'd to march forward, upon a belief that the Enemy were not joyn'd, Monsieur de Tallard consented to it, and relied upon People who had serv'd a Year and halt in that Country, to post himself as I told you. The Camp was hardly marking, when Information was brought to the Mareschal, that the Enemy appear'd on the other side of the Rivulet, that border'd the Front of our Camp. He went that way immediately, and having caus'd some Troops to go over, the Enemy retired to their Camp. Several People press'd the Elector to march up to them, assuring him that they were not joyn'd. The Mareschals dissuaded him from it; representing to him, that, before they advanc'd, they ought to be thoroughly inform'd. In order to that, a great Detachment was made to approach them nearer; and we made some Prisoners, who assur'd us, that they were joyn'd: Whereupon we returned back, and had no other thoughts than to encamp. About five of the Clock in the Evening, the Enemy march'd, in their turn, to view us, with the great *Piquet*, with whom they advanc'd as far as *Swein-ingen*, and then retired. The next day, at two of the Clock in the Morning, the Enemy beat the General, and march'd in order to attack us. We were still ignorant of their Design at Six of the Clock in the Morning; but seeing them advance towards us in Four great Columns, we began to believe that they had a mind to fight us. We beat the General in our Camp, and soon after sounded to Horse

Horse: And in that Interval, the Resolution was  
 taken how we should post our Selves. To make  
 you comprehend it without a *Plan*, and at this di-  
 stance, I must resume the situation of our Camp.  
 Our Right reach'd to the *Danube*, having the Vil-  
 lage of *Bleinheim* in our front, where was Mon-  
 sieur de *Tallard's* Quarters; and the Village of *Lut-*  
*zingen* to the left of our Camp, where was the E-  
 lector's Quarters. All the first Line of Foot of Mon-  
 sieur de *Tallard* had its Right to the *Danube*, that it  
 might be at hand to be posted in the Village of  
*Bleinheim*, which was before it. That first Line  
 was of Nineteen Battallions; on the left of which  
 we had posted all our first Line of Horse; so that  
 they join'd the Horse of Monsieur *Marcin*. Next  
 to this was the rest of his Army, which reach'd as  
 far as the Hill, and of which I shall not give you  
 the Particulars, because I was not there, having been  
 sufficiently employ'd in our Right. The second  
 Line was drawn up as usual; that is to say, the In-  
 fantry in the Center: The two Armies having  
 Communication one with another, and making to-  
 gether 80 Battallions, and 140 Squadrons. In the  
 Center of both our Armies there was a Hill, which  
 Commanded all the Plain, and whose gentle decli-  
 vity reach'd as far as the Rivulet that ran along the  
 Front of our Camp; and over against that Hill  
 was a Village call'd *Onderklawe*, which we caus'd to  
 be set on Fire, as well as two Mills, that were on the  
*Rivulet*, in the way down to *Bleinheim*; so that it  
 was resolv'd to defend only the Passage of the Rivulet,  
 and the Morass, the Generals being order'd to  
 charge the Enemy, as they pass'd, and to take heed  
 not to let too many of them pass. This Resolution  
 being taken, we posted in the Village of *Bleinheim*  
 the 19 Battallions of our first Line, and seven of  
 the second. We plac'd there also our 4 Regiments  
 of Dragoons, on Foot, to the Right, along the *Da-*  
*nube*; and from the Village of *Bleinheim* to that of  
*Overklawe*, we posted on two Lines, 48 Squadrons  
 of Monsieur de *Tallard's* Army, and 32 of that of  
 Monsieur de *Marcin*, and 9 Battallions in the Center;  
 and the Brigades of *Champagne* and *Bourbonnois* to  
 the Right of Monsieur de *Marcin's* Village, that  
 they might be at hand, to sustain either his Village,  
 or



or the Right of his Cavalry. We placed Batteries in all the \* Front, and both Armies cannonaded one another, till 10 or 11 a Clock in the Morning, when the first Attack began. During this Cannonading, Advice was brought to Monsieur de Tallard, that the Enemy march'd a great number of Infantry to the Right, but that their Design was to attack the Left of Monsieur de Marcin, as the weakest side, by reason of the thin Wood, to which it reach'd. He went with speed to the Right, which the Enemy did really design to attack, being advanc'd to pass the Rivulet, in the whole Front of the Hill I have mentioned before, where all their Horse was posted, over against the Right of Monsieur de Marcin. Monsieur de Silly, and one † of his Friends, were upon that Hill, and seeing that our Men were drawing off our Battery, they went thither and stopt them; and seeing the English preparing themselves to attack the Village of Bleinheim, they resolv'd to cause the first and second Line of Horse to march, as if the Marechal ( de Tallard ) had been there present. He rode up to them full Gallop, and made them indeed advance: But unfortunately the Brigades of the two Rights did only march, nor did the Gendarmerie move, which gave the Enemy time to form, without Disturbance, several Lines of Horse, in all the space of Ground whither the Troops did not march, till above Three Quarters of an hour after that first Charge. All the Men the Enemy had in the bottom of the Valley were repuls'd, as well as those who happen'd to be in the Way of the Gendarmerie, who march'd at last intoxicated with Conceit, upon that little advantage. We prepar'd our selves to receive the Enemy a second time, and neglected the great double Lines, which were forming at the Foot of that fatal Hill. Monsieur de Silly had his Horse kill'd under him, and was thinking how to get another, when his Friend, seeing the Marechal de Tallard, joyn'd him, and gave him an Account of the Attack of the Village. Monsieur de Tallard resolv'd to go thither, and so the Hill was neglected, not being able to perceive what pass'd at the Foot of it. Thus they entred the Village, and Monsieur de Tallard redoubled his Care to secure that Post. At last he went out of that Vil-

Some Relations say Bottom.

† He who writes this Letter.

lage, and returned to the Cavalry. As he came to  
 the Right, the Enemy began a fresh Attack: They  
 advanc'd to the Village of *Bleinheim*, to the very  
 Muzzels of our Musquets, but were repuls'd. The  
*Gendarmerie*, who, with Sword in Hand, thought  
 to have repuls'd the Enemy that were before  
 them, were expos'd to the Fire of some Infan-  
 try well posted, and were charg'd by some *En-  
 glish* Squadrons, which made them give Way,  
 and drove them beyond a Rivulet they had be-  
 hind them. In this Charge *Messieurs de Surlaube*,  
 and *d'Imecourt* had their Horses kill'd under them,  
 and the first received Six or Seven Wounds. The  
 Brigade of *Silly*, thro' the Intervals of which the  
*Gendarmerie* pass'd to rally themselves, charg'd the  
*English*, and made them repass the Rivulet with Pre-  
 cipitation. During this brisk Attack, the Generals  
 of our Left, and of *Monfieur de Marfin's* Right,  
 awak'd out of their *Fatal Drowsiness*; and caus'd  
 some Brigades to march to the Enemy, whom they  
 saw almost advanc'd to the top of the Hill. All our  
 Brigades charg'd briskly, and made all the Squa-  
 drons they attack'd give way; but those Squadrons  
 being sustain'd by several Lines of Horse and Foot,  
 our Men were forc'd to shrink back, and throw  
 themselves on our Second Line, which being at some  
 distance, gave the Enemy time to gain Ground,  
 which they maintain'd by their Numbers, and their  
*slow and close march*. We rallied the Squadrons of our  
 first Line, and they Charg'd again with the same  
 Success, but were still over-powered, as were also  
 the said Brigades, and at last the 2d. Line. *Monfieur  
 de Tallard* interlaced our Batallions with our Cavalry,  
 with design to make a last Effort, to break the  
 double Lines of the Enemy. Our Men march'd  
 up to them gallantly, and the Enemies first Line  
 threw themselves on their second. We gain'd some  
 Ground, and advanc'd to charge the Second Line;  
 but this being sustain'd by a Third and a Fourth,  
 Our Troopers fled, and our poor Batallions were cut in  
 pieces. We rallied still the third time that broken  
 Cavalry which diminish'd by the Charges, and  
 form'd now but one Line. Things being in this  
 Condition, *Monfieur de Tallard* consider'd that it  
 was high time to draw off the Dragoons and Infan-  
 try

try out of the Village of *Bleinheim*, and resolv'd upon it, exhorting his Cavalry to stand their Ground. He sent a trusty Man to Monsieur *de Marcin*, to desire him to face the Enemy with some Troops on the Right of his Village, to keep them in Play, to favour the Retreat of our Infantry: But Monsieur *de Marcin* represented to that trusty Man, that he had too much Business in the Front of his Village, and the rest of the Line, to spare any Troops, he not being victorious, but only maintaining his Ground. During this Discourse our Horse had faced the Enemy, but, on a sudden, they were ordered to wheel about, which was done with all the Disorder you may imagine. In short, this was so precipitate a Flight, that many cast themselves into the *Danube*, and the Enemy let loose Three Regiments of Dragoons after them. Monsieur *de Tallard* was envelop'd with the Run aways, and taken in that Rout. Messieurs *de Mauperoux*, *de la Valliere*, *Silly*, *Sepeville*, *Messeliere*, *St. Pouange*, *Ligondé*, and several others, were also made Prisoners. The taking of Monsieur *de Tallard* is a great misfortune for the King: For, 'tis certain, that with his Infantry, he might have made a very honourable Retreat; whereas that Infantry is now the Laughing-stock of Nations, and useless to the King for a long time, in a War so violent as this is. In short, to give you an Account of all that happen'd on that Fatal Day, Part of our Cavalry, and all the *Gen-darmerie*, having thrown themselves towards the *Danube*, into a narrow Nook, which form'd a Demi-Island, they found themselves cut off from the rest of the Army; which forc'd many brave Men to throw themselves into the *Danube* to save themselves: The News of this being brought to *Grignan's* Brigade, which were retired more to the Left, to pass the Morass at *Hochstet*, they rallied and march'd to the Enemy, and made them abandon the Defile in which they were; and so disengag'd all those who were not either kill'd or taken: And then forming themselves on the Height of *Hochstet*, march'd on, facing the Enemy, which gave us time to draw off the Wounded from that Place. This was the sad Fate of a brisk and good Cavalry, which might have been used to bet-



ter purpose; but which we give over lamenting, as soon as we begin to consider the wretched Destiny of our Regiments of Foot. 'Twas Messieurs de Clerambaut and Blanzac, who commanded the Dragoons and Infantry in the Village of Bleinheim, and all that we learn from some Officers, who were made Prisoners, and are come to our Camp, is, that Monsieur de Clerambaut, without taking a Resolution worthy of his Name, with a powerful Body which was yet intire, as soon as he saw the Rout of our Cavalry, caus'd his Postillion to sound the Danube, and throwing himself into it, was drowned. The Enemy having surrounded the Village of Bleinheim by several Lines, advanc'd to streighten it, close on the left Flank, where our Right of Horse was before posted. Our Men were soon alarmed, and the Colonel of the Royal Regiment bethought himself of saving his Life, and that of his Soldiers; whom he caus'd to lay down their Arms, and surrendered himself the Colours. The Soldiers of Sur-laube, who were also in the left Flank, put themselves into Disorder, and enter'd the Center of the Village in Confusion. Monsieur de Siviere being inform'd of this Disorder, call'd the Regiments of Provence and Artois, and all that were resolute, to him, and with Sword in Hand, drove the Enemy to the very Head of their Cavalry, and return'd to the Village leisurely. Monsieur de Siviere had his Wrist broken. My Lord Marlborough judging rightly, that there were old Troops in that Place, the overcoming of which would cost him dear, made use of Monsieur Desnosville his Prisoner, to exhort them to accept of their Lives, Monsieur de Blanzac consented to it, and did his best to get the consent of Navarre, who buried their Colours. All yielded. Monsieur de Blanzac sign'd the Articles: But Siviere and Jourry refused to set their Hands to it. They were all disarm'd, and had their Colours taken from them: Grief will not suffer me to carry this Recital any further. You may well imagine what a sad Spectacle it is to see 26 Batallions, and Four Regiments of Dragoons, Prisoners. I leave that Black Idea, and return to the Village of Overklauwe, the Quarter of Monsieur de Marcin. When he saw the Horse of his Right, and ours, routed, he bethought himself of retreating with

with his Left, who, through the Care of Count de Bourg had always repuls'd the Enemy, having charg'd them as they were half pass'd. He drew off all his Infantry, and march'd leisurely as far as the Morafs of *Hochstet*, which he repass'd in good Order, and came to *Dillingen*, where the Resolution was taken to send all the Horse to *Ulm*, by *Gondelfingen*, and to cause all the Baggage to pass the *Danube* all the Night. In the Morning we drew off all the Infantry, and came to encamp at *Lipent*, leaving 1000 Men at *Lawingen*, with Orders to retreat as soon as the Enemy should approach, and to burn the Bridge, which was done: And marching since with Precipitation, we bring to the King the poor Remains of an Army griev'd to Death, and which is no otherwise Guilty, than through the Nonperformance of the positive Order which had been given, not to let the Enemy pass the *Rivuler*; and to charge them as they pass'd, altogether, and not by Brigades; as we did, against a Body form'd, and formidable, which at last penetrated into our Center, and surrounded the Infantry, &c.

*A Letter from the Adjutant of the Gendarmerie, to Monsieur de Chamillard.*

My LORD,

IN Obedience to your Commands, in your Letter of the 15th. to inform you of all that happen'd among the *Gendarmerie*, I shall begin, in the Absence of the Major, with acquainting you with the Despair of all the Officers upon the News they receive from *Paris*, wherein they find that Monsieur de Silly spreads injurious and malicious Reports against them. Is it possible, my Lord, that the Reputation of that Body, so well establish'd every where, by so many different Actions, can depend on the Caprice or Malice of a private Man without Experience? And is it just to believe him, if he has a mind to disgrace so many brave Men, who, in the fight both of Friends and Enemies, have done all that could be expected from Men of Courage? In that unfortunate Day they did not fear to expose themselves to Death, for the Glory of the Nation, and the King's Service; nevertheless, it is but too true, that he has

made People believe all that he had a mind to say against us; so prevalent are the first Impressions! And we are told he has dared to advance, that the flight of the *Gendarmerie* had occasioned that of the Cavalry. All the Army knows that we had charged twice before the Cavalry had approach'd the Enemy; that we faced them till six of the Clock in the Evening; and that 'twas in the Center, which was thin and weak, where the Enemy pierc'd thro'. This is Matter of Fact, which I'll maintain no Body will dare to contradict: Wherefore, my Lord, do not deny us on this Occasion, so very nice for us, and of so great consequence for all, the same Privilege which is allowed to most Criminals; that is, not to pass Judgment upon us, upon the Report of a single Man, especially of one so exceptionable; but be pleased to judge of us on the Testimony of several unexceptionable Witnesses, who are Men of Experience, who can see clearly what passes on Days of Action; and whom *Truth alone, not Envy, will make speak*. You know, my Lord, we are very much envied, Witness the Battle of *Spire*, in which the *Gendarmerie* broke through the Enemy with so much Rapidity, that they thereby gave time to our Infantry to come up: Nevertheless, some had the Confidence to speak ill of them, and to represent their Valour as Temerity, and their Conduct as over-cautiousness; but you were soon inform'd of the Truth, and did us the Justice which was due to us, as soon as you knew, that we march'd by Orders of the General only; and that we had discharg'd every part of our Duty. Do us the favour, my Lord, to search into the bottom of this last Affair; wherein our Body, as they were posted, could do no more than sacrifice themselves, as they did, without being able to succeed in their Charges, being continually exposed to the Fire of a close Body of Infantry, sustained by several Ranks; and above all, posted in a shallow way, with Pallisadoes before it. 'Tis true, these Pallisadoes were not perceived, especially by those who speak so rashly; but they were seen by those who approached the Enemy so near as we did. I must also make bold to tell you, my Lord, that we have taken notice more than once, that the *Mareschal de Tallard* had no kindness for

us;



us: Tho' since he is a Prisoner, he has honoured us with several Compliments, on the Valour of our Officers, regretting so many gallant Men who were either kill'd or wounded. The Respect we have for him, will not suffer us nicely to inquire into our misfortune of not being in his Favour: However, out of a certain confidence which truth suggests, we cannot imagine that he can say openly any ill thing against us; nor that he could charge Monsieur de Silly to cast on us the Faults of that unfortunate Day, which, out of Discretion, we will impute to no body.

The Mareschal de Tallard did not see the two first Charges we made, not being return'd to us till after those two Actions. He was gone to the left of Mareschal de Marcin's Army, and he might have seen, at his return, that the Enemy had but too much time to form before us, four Lines, one upon the other, which baffled our Efforts, and disappointed our good Intentions. We overthrew, indeed, their first Line, more than once, but it was still succour'd, and animated again by the three others. Had we been Men that would have run away, how could we have had Fifty one Officers kill'd or wounded, tho' there were 23 of them absent: And most of the rest have had their Horses kill'd under them, as well as the great number of the *Gendarmes*, of whom I have already had the Honour to Inform you.

Messieurs de Lanion, de Hautefort, de Magnac, and several others, may acquaint you, that we remain'd with them till Ten of the Clock at Night, on the height of *Hochstet*; that we drew out of the Castle Monsieur de Surlaube, Monsieur de la Baume, and that we brought up the Rear of all as far as *Ulm*. After all this, may not we hope, my Lord, that you will be pleas'd to inform the King of the Truths I have the Honour to write to you, which are most certain; and that you will thereby give some comfort to Officers, who are griev'd to death, and driven to despair, by having their Lives left them, after they had their Honour taken from them.

## Numb. XIX.

*The Duke of Marlborough's Letter to the States General.**High and Mighty Lords,*

Before I set out from *Croon-Weyssenburg*. I had the Honour to acquaint your High Mightinesses with my design of marching with a Body of Troops towards *Triers*, in order to secure that City, the better to settle our Winter Quarters on the *Moselle*. Having in the march receiv'd advice, that the *French* had ordered some Troops from their Camp at *Haguenau*, and from the *Netherlands*, to advance towards the same place, I hastened my march as much as was possible thro' a Mountainous Country, which is in a manner desert, in order to prevent them. I arrived last Night at *Hermerskel*, within six Leagues of *Triers*, where three Deputies of that City came to me, and acquainted me, that the *French* having still 300 Men in the Fort, they were apprehensive of some ill usage, if we did not prevent it. This advice obliged me to march this Morning, before break of day, with all the Cavalry, and four Battalions, and about 11 of the Clock our Vanguard appearing in sight of *Triers*, the *French* quitted the Fort, having thrown their Ammunition, and some Corn, into the *Moselle*. Our Dragoons pursu'd them to the Banks of the River, and took part of their Baggage, and 10 or 12 Prisoners. They had no sooner pass'd the River, than they burnt the flying Bridge, and, in all likelihood, would have done more damage, had they had time to do it. The rest of our Foot, with the Artillery, encamp'd last Night at *Nonweyler*, and this day at *Rensfelt*, in order to join us to morrow in the Afternoon. I intend to continue here four or five days to give the necessary Orders, and from hence I shall proceed towards *Traerbach* to do the like, and then I shall return to the Camp near *Landau*, where I hope to find all things in a great forwardness, and the place in a readiness to surrender. I am, &c.

*The Duke of Marlborough.**From the Camp of Triers, October 29, 1704.*

Numb. XX

Numb. XX.

A List of those who voted for the Duke of Hamilton's Resolve, Not to name the Successor till we have a previous Treaty with England for regulating our Commerce, and other Concerns with that Nation.

NOBLEMEN.

Duke of Hamilton, Duke of Athol, Marq; of Montrose, Earl of Errol, E. of Marishal, E. of Marr, E. of Eglington, E. of Hume, E. of Wigton, E. of Strathmore, E. of Kellie, E. of Galloway, E. of Northesk, E. of Aberdeen, E. of Dunmore, E. of March, E. of Roseberry, E. of Bute, Viscount of Stormont, Vis. of Duplin, Vis. of Primrose; Lord Salton, L. Semple, L. Lindores, L. Forester, L. Bargeny, L. Elibank, L. Duffus, L. Colvil, L. Kinnaird, L. Justice Clerk.

BARONS, or KNIGHTS of Shires.

Sir James Foulis, of Colinton, Sir Robert Dickson of Innerask, George Lockhart of Carnwath, for the Shire of Edinburgh. Sir John Lauder of Fountainhall, Andrew Fletcher of Salton, Wm. Nisbet of Dirleton, for Haddington. Sir Robert Sinclair of Longformacus, Sir Patrick Hume of Rentoun, Sir John Swinton of Swinton, for Berwick. Sir Wm. Ker of Greenhead, for Roxburgh. Mr. John Murray of Bowhil, Mr. John Pringle of Haming, for Selkirk. Alexander Horsecburgh of Horsecburgh, Wm. Morison of Prestongrange, for Peebles. John Sharpe of Hoddam, ——— Douglas of Dornock, Alexander Ferguson of Isli, for Drumfries. John Stewart, of Sorbie, Wm. Stewart of Castle Stewart, for Wigton. Wm. Cochran of Kilmarnock, Sir Humphry Colquhoun, of Luss, for Dumbrilton, Robert Steward of Tillicultrie, for Bute. John Stewart of Blackhall, for Renfrew. James Graham of Bucklivie, John Grahame of Kilearn, Robert Rollo of Powhouse, for Stirling. Thombs Sharp of Houstoun, for Linlithgow. Sir Patrick Murray of Auchtertyre, Mungo Gra-



Graham, of Gorthie, John Hadden of Gleneagies, John Murray of Strowan, for Perth. Sir Thomas Burnet, of Leves, Sir James Falconer of Pbesdo, for Kincardin. John Udney, of Udney, James More of Stonywood, Wm. Seton of Pitmedden, Jun. John Gordon, of Pitlurg, for Aberdeen. Ludovic Grant, of Grant, Alexander Grant, Jun. of Grant, for Inverness. Hugh Ross, of Kilravock, John Forbes of Colloden, for Narin. David Beathun. of Balfour, Major Balfour, of Dunbogne, for Fife. Mr. Patrick Lyon, of Auchterhouse, David Graham, of Fintrie, James Carnagie, of Finhaven, James Halyburton, of Pitcur, for Forfar. Alexander Duff, of Bracco, James Ogilvie, Jun. of Boyne, for Bamf. Alexander Gordon, of Garty, for Sutherland. Sir George Sinclair, of Clythe, James Sinclair, of Stemster, for Caithness. Sir Henry Innes, Jun. of Innes, for Elgin. John Bruce, of Kinross, for Kinross.

## BURGESSES.

Alexander Robertson, for Perth. John Allardice, for Aberdeen. John Watson, of Aithernie, for Linlithgow. George Easton, for Dysert. James Oswald, for Kirkaldy. James Scot, of Logie, for Montrose. Sir John Anstruther, for Anstruther-Easter. Robert Johnston, for Drumfries. Alexander Duff, of Drumure, for Inverness. Sir John Erskine, of Alva, for Bruntisland. Francis Mobson, for Brechen. William Coltrain, for Wigton. Sir James Halket, for Dumfermling. George Smith of Gibliston, for Pittenweem. Robert Scot, for Selkirk. Robert Kellie, for Dumbar. John Hutchinson, for Aberbrothock. William Sutherland, for Elgin. Robert Scheil, for Peebles. George Mencrieff, of Sauchop, for Crail. John Clarke, Jun. of Pennicook, for Whithorn. John Lyon, for Forfair. Dougal Stuart, for Rothefay. John Ross, for Nairn. George Brodie, of Aflisk, for Fortes. Sir Robert Anstruther, for Anstruther Wester. Sir David Cunningham, for Lauder. John Carrothers, for Lochmaban. Wm. Alves, for Sanquhar. George Hume, of Whitefeild, for New Galloway. James Bethun, of Balfour, for Kilreny. John Bain, of Meldrum, for Dingwall. John Urquhart, of Meldrum for Dornoch. Robert Frazier, for Wick. Robert Douglass, for Kirkwall. Alexander Arbuthnot, for Inverbervie. George Dalrymple, for Strantawer.

Those

## The Appendix.

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Those who voted against the Resolve, were,

### NOBLEMEN.

D. of Argyle, M. of Tweddale, M. of Lothian, M. of Annandale, E. of Crawford, E. of Southerland, E. of Rothes, E. of Bucan, E. of Glencairn, E. of Roxburgh, E. of Haddington, E. of Lauderdale, E. of Loudon, E. of Dalhousie, E. of Leven, E. of Selkirk, E. of Balcarras, E. of Forfar, E. of Kintore, E. of Melvill, E. of Rutherglen, E. of Marchmont, E. of Seafield, E. of Hyndfoord, E. of Cromerty, E. of Stair, E. of Hoptown, V. of Teviot, L. Forbes, L. Ross, L. Torphichen, L. Belhaven, L. Bellenden, L. Register, L. Advocate.

### BARONS, or KNIGHTS of Shires.

Sir Robert Dundas of Arniston, for the Shire of Edinburgh, John Cockburn, Jun. of Ormiston, for Haddington. Sir John Hume of Blacader, for Berwick. Sir Gilbert Elliot of Headshaw, Wm. Bennet of Grubet, Archbald Douglas of Cavers, for Roxburgh. Wm. Baillie of Lamington, Geo. Baillie of Jerviswood, John Sinclair, Jun. of Stevenson, for Lanerk. Sir John Johnstone of Westerhall, for Drumfries. Francis Montgomerie of Giffen, for Air. Sir John Houstoun of Hounstoun, Rob. Pollock of Pollock, for Renfrew. Sir James Campbell of Auchinbrake, James Campbell, Jun. of Arkinlas, John Campbell of Mamore, for Argyle. Sir Wm. Anstruther of Anstruther, Robert Douglas of Stranrie, for Fife. William Maxwell of Cardinnis, for the Stewartry of Kirkubright. David Sutherland, Jun. of Kinnald, for Sutherland. James Brodie of Brodie for Eglin. Sir Archibald Stuart of Burray, for the Stewartry of Orkney.

### BURGESSES.

Sir Pat. Johnstone, Rob. Inglis, for Edinburgh. John Scrimgeour, for Dundee. Col. John Areskine, for Stirling. Wat. Stewart of Pardovan, for Linlithgow. Hugh Montgomerie, for Glasgow. John Mint, for Air. Alexander Edgar, for Haddington. . . . . Bruce of Buncree, for Couper. James Spittle of Leuchars, for Inverkeithing. Wat. Scot, for Fifeburgh Sir And. Hume, for Kirkud-

*Kirkudbright, Sir James Smollet, for Dumbrifton. Colin Campbel of Woodside, for Renfrew. Will. Carmichael, for Lanerk, Captain Donald Maccleod, for Tayn. Sir Day. Dalrymple, for Culrass. Sir Alex. Ogilvie of Forgland, for Bamford. Geo. Spence, for Rutherglen, Sir Hugh Dalrymple, for North Berwick. Pat. Ogilvie, for Cullen. Geo. Allardice of Allardice, for Kintore. Wm. Johnstone, for Annan. Sir Wm. Hamilton of Whitelaw, for Queensferry. Daniel Campbel, for Inverary. Robert Forbes of Lerny for Inverury. Mr. Charles Campbel for Cambleton.*

Numb. XXI.

Whitehall, August 14.

*An Express arrived here last Night from on Board Her Majesty's Fleet, being dispatched by the Right Honourable Sir George Rooke, Vice-Admiral of England, and Admiral of Her Majesty's Fleet, with an Account of the taking of Gibraltar ; the Particulars whereof follow.*

‘ THE 17th of July, the Fleet being then about 7 Leagues to the Eastward of Tetuan, a Council of War was held on Board the *Royal Catherine*, wherein it was resolved to make a sudden Attempt upon *Gibraltar* ; and accordingly the Fleet sailed thither, and the 21st got into that Bay, and at 3 a Clock in the Afternoon the Marines, *English* and *Dutch*, to the number of 1800, with the Prince of *Hesse* at the Head of them, were put on Shoar on the Neck of the Land to the Northward of the Town, to cut off any Communication with the Country. His Highness having posted his Men there, sent a Summons to the Governor to surrender the Place for the Service of his *Catholick Majesty* ; which he rejecting with great Obstinacy, the Admiral on the 22d in the Morning gave Orders, That the Ships which had been appointed to Cannonade the Town, under the Command of Rear-Admiral *Bing* and Rear Admiral *Vanderdussen*, as also those which were to batter the South Mole-head, commanded by Captain *Hicks* of the *Yarmouth*, should range themselves accordingly ; but the Wind

‘ blow-



blowing contrary, they could not possibly get into their Places till the Day was spent: In the mean time, to amuse the Enemy, Captain *Whitaker* was sent in with some Boats, who burnt a French Privateer of 12 Guns at the *Old Mole*. The 23d. soon after break of Day, the Ships being all placed, the Admiral gave the Signal for beginning the Cannonade, which was performed with very great Fury, above 15000 Shot being made in 5 or 6 hours time against the Town, insomuch that the Enemy were soon beat from their Guns, especially at the South Mole-head; whereupon the Admiral considering that by gaining that Fortification, they should of consequence reduce the Town, order'd Captain *Whitaker*, with all the Boats armed, to endeavour to possess himself of it, which was performed with great Expedition; but Captain *Hicks* and Captain *Juniper*, who lay next the Mole, had pushed on shoar with their Pinnaces, and some other Boats, before the rest could come up; whereupon the Enemy sprung a Mine that blew up the Fortifications upon the Mole, killed Two Lieutenants, and about Forty Men, and wounded about Sixty: However, our Men kept possession of the great Platform, which they had made themselves Masters of; and Captain *Whitaker* landing with the rest of the Seamen which had been ordered upon this Service, they advanced, and took a Redoubt, or small Bastion, half way between the Mole and the Town, and possessed themselves of many of the Enemy's Cannon. The Admiral then sent in a Letter to the Governor, and at the same time a Message to the Prince of *Hesse*, to send him a peremptory Summons, which his Highness did accordingly; and on the 24th in the Morning the Governor desiring to capitulate, Hostages were exchanged; and the Capitulation being concluded, the Prince marched into the Town in the Evening, and took possession of the Land and North Mole-Gates, and the Outworks. The Articles are in Substance as follow.

I. That the Garrison, Officers and Soldiers may depart with their Necessary Arms and Baggage, and the Officers, and other Gentlemen of the Town, may also carry their Hor-  
ses

*ses with them ; They may likewise have what Boats they shall have occasion for.*

II. *That they may take out of the Garrison 3 Pieces of Brass Cannon of different Weight, with 12 Charges of Powder and Ball.*

III. *That they may take Provisions of Bread, Wine and Flesh, for six days March.*

IV. *That none of the Officers Baggage be search'd, altho' it be carried out in Chests or Trunks. That the Garrison depart in three days, and such of their Necessaries as they cannot carry out with Conveniency, may remain in the Garrison, and be afterwards sent for ; and that they shall have the Liberty to make use of some Carts.*

V. *That such Inhabitants, and Soldiers and Officers of the Town as are willing to remain there, shall have the same Privileges they enjoyed in the time of Charles the Second, and their Religion and Tribunals shall remain untouch'd, upon Condition, That they take an Oath of Fidelity to King Charles the Third, as their Lawful King and Master.*

VI. *That they shall discover all their Magazines of Powder, and other Ammunition, or Provisions and Arms, that may be in the City.*

VII. *That all the French, and Subjects of the French King, are excluded from any part of these Capitulations, and all their Effects shall remain at our Disposal, and their Persons Prisoners of War.*

This Town is extremely strong, and had 100 Guns mounted, all facing the Sea, and the two narrow Passes to the Land, and was well supplied with Ammunition. The Officers, who have viewed the Fortifications, affirm, There never was such an Attack as the Seamen made, for that Fifty Men might have defended those Works against Thousands.

# The Appendix.

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## Numb. XXII.

*A List of the English Men of War (as dispos'd in Line of Battle) that were in the Streights under the Command of Sir Geo. Rook.*

| <i>Frigats and Fireships.</i> | <i>Guns</i> | <i>Ships.</i>  | <i>Commanders.</i>      | <i>Men</i> | <i>Guns</i> | <i>Divis.</i> |                        |
|-------------------------------|-------------|----------------|-------------------------|------------|-------------|---------------|------------------------|
|                               |             | Somerset       | Captain Price           | 500        | 80          |               | Rear Adm. of the Red.  |
|                               |             | Essex          | Hubbard                 | 440        | 70          |               |                        |
|                               |             | Triton         | Trevor                  | 230        | 50          |               |                        |
|                               |             | Dorsetshire    | Whittaker               | 500        | 80          |               |                        |
| Charles Galley                | 32          | Ranelagh       | Geo. Bing, Esq; J. Cole | 535        | 80          |               |                        |
| Vulture Fireship              |             | Torbay         | Caldwell                | 500        | 80          |               |                        |
|                               |             | Centurion      | Horne                   | 280        | 50          |               |                        |
|                               |             | Kingston       | Atton                   | 365        | 60          |               | Admiral of the Red.    |
|                               |             | Le Firme       | Wilde                   | 440        | 70          |               |                        |
|                               |             | Grafton        | Sir Andrew Lake         | 440        | 70          |               |                        |
| Larke                         | 40          | Nassau         | Dove                    | 440        | 70          |               |                        |
| Newport                       | 24          | Mountague      | Cleaveland              | 365        | 60          |               |                        |
| Hunter                        | Fireships   | St. George     | Jennings                | 680        | 96          |               |                        |
| Phoenix                       |             | Roy. Katharine | Sir Geo. Rooke          | 730        | 90          |               |                        |
| Jeffrys, Hospital             | Bomb.       | Eagle (rinc)   | Lord Hamilton           | 440        | 70          |               | Rear Ad. of the White. |
| Hare                          |             | Monmouth       | Baker                   | 440        | 70          |               |                        |
| Terroure                      |             | Panther        | Bertie                  | 280        | 50          |               |                        |
| Wm. & Mary Yacht              |             | Shrewsbury     | Crow                    | 500        | 80          |               | Admiral of the White.  |
|                               |             | Bedford        | Sir Tho. Hardy          | 440        | 70          |               |                        |
|                               |             | Swallow        | Haddeck                 | 280        | 50          |               |                        |
|                               |             | Suffolk        | Kitton                  | 440        | 70          |               |                        |
| Tarter                        | 32          | Royal Oak      | Elwis                   | 500        | 76          |               |                        |
| Lightning Fireship.           |             | Kent           | Tho. Dilks, Esq; Harman | 400        | 70          |               |                        |
|                               |             | Cambridge      | Leftock                 | 500        | 80          |               |                        |
|                               |             | Monk           | Mills                   | 365        | 60          |               | Vice Adm. of the Blue. |
|                               |             | Leopard        | Culliford               | 280        | 50          |               |                        |
|                               |             | Burford        | Rosby                   | 440        | 70          |               |                        |
|                               |             | Warspight      | Loas                    | 440        | 70          |               |                        |
|                               |             | Nottingham     | Whittaker               | 365        | 60          |               |                        |
|                               |             | Assurance      | Hancock                 | 440        | 66          |               |                        |
| Roeback                       | 40          | Orford         | Norris                  | 440        | 70          |               |                        |
| Vulcan                        | Fireships.  | Barfleur       | Sir Cl. Shovel. Stuart  | 710        | 96          |               | The                    |
| Griffin                       |             | Namur          | Mings                   | 680        | 96          |               |                        |
| Princess Ann Hospital.        |             | Swiftsure      | Winn                    | 440        | 70          |               |                        |
|                               |             | Tilbury        | Delavall                | 280        | 50          |               |                        |
|                               |             | Lenox          | Jumper                  | 440        | 70          |               |                        |
|                               |             | Newark         | Clark                   | 500        | 80          |               |                        |
| Garland                       | 50          | Antelope       | Legg                    | 280        | 50          |               |                        |
| Firebrand Fireship.           |             | Boyne          | Lord Dursly             | 500        | 80          |               | The                    |
|                               |             | Pr. George     | Sir John Lake. Martin   | 700        | 90          |               |                        |
|                               |             | Berwick        | Fairfax                 | 440        | 70          |               |                        |
|                               |             | Norfolk        | Knapp                   | 500        | 80          |               |                        |
|                               |             | Tiger          | Cavendish               | 280        | 50          |               |                        |
|                               |             | Yarmouth       | Hicks                   | 440        | 70          |               |                        |
|                               |             | Ham. Court     | Wager                   | 440        | 70          |               |                        |

*We cannot rightly inform our selves how many Dutch Men of War are with Sir George Rook.*



*The Ships that were employ'd in Battering Gibraltar, were these following;*

| <i>Ships.</i>   | <i>Commanders.</i>  | <i>Men</i> | <i>Guns</i> |
|-----------------|---------------------|------------|-------------|
| <i>Dutch</i>    | Captain Scryen      | 400        | 72          |
| Catwick         | Okkerfs             | 320        | 60          |
| Emelia          | Beckman             | 325        | 64          |
| Velue           | P. B. Vander Duffen | 400        | 66          |
| Utrecht         | Bolk                | 325        | 64          |
| Frisia          | Middagter           | 325        | 64          |
| <i>English,</i> |                     |            |             |
| Monmouth        | Baker               |            |             |
| Suffolk         | Kirton              |            |             |
| Effex           | Hubbard             |            |             |
| Ranelagh        | George Bing, Esq;   |            |             |
| Grafton         | Sir Andrew Lake     |            |             |
| Nottingham      | Whittaker           |            |             |
| Mountague       | Cleaveland          |            |             |
| Kingston        | Acton               |            |             |
| Nassau          | Dove                |            |             |
| Swiftsure       | Winn                |            |             |
| Berwick         | Fairfax             |            |             |
| Eagle           | Lord Hamilton       |            |             |
| Burford         | Roffy               |            |             |
| Lenox           | Jumper              |            |             |
| Yarmouth        | Hicks               |            |             |

In the Taking of Gibraltar we had 60 Men kill'd, of which 2 Lieutenants, and 1 Master. And 216 wounded, of which 1 Captain, 7 Lieutenants, and 1 Boatswain.

Numb. XXIII.

*A List of the French Men of War that were in the Sea Engagement, with the Names of their Commanders, and their respective Divisions.*

*Vanguard, or the White and Blue Division.*

| <i>Ships.</i>         | <i>Captains.</i>     | <i>Guns.</i> | <i>Men.</i> |
|-----------------------|----------------------|--------------|-------------|
| L' Esclatant          | M. de Belle Fontaine | 66           | 730         |
| L' Isle               | De Mons              | 62           | 380         |
| Le S. Philippe, V. A. | D' Infreville        | 90           | 700         |
| L' Heureux            | Colbert St. Mar      | 70           | 450         |
| Le Ruby               | De Beneville         | 56           | 330         |
|                       |                      |              | L'Ar.       |

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| <b>Ships.</b>        | <b>Captains.</b> | <b>Guns</b> | <b>Men.</b> |
|----------------------|------------------|-------------|-------------|
| L' Arrogant          | Derherbierf      | 62          | 350         |
| Le Marquis           | De Patonlet      | 60          | 350         |
| Le Content           | De Ste Maure     | 70          | 450         |
| Le Fier, Adm.        | De Vilette       | 88          | 800         |
| L' Intrepide         | Du Caffé         | 84          | 600         |
| L' Excellent         | De la Roche Alar | 62          | 350         |
| Le Sage              | De Montbaut      | 54          | 330         |
| L' Ecueil            | D' Argint        | 62          | 380         |
| Le Magnifique, C. A. | De Bel-Isle      | 86          | 600         |
| Le Monarque          | Chabert          | 84          | 600         |
| La Perle             | Le Mothure       | 54          | 300         |
|                      |                  | <hr/>       |             |
|                      |                  | 1120        | 7700        |

## Body of the Battle, or Center, the White Division.

| <b>Ships.</b>       | <b>Captains.</b>        | <b>Guns</b> | <b>Men</b> |
|---------------------|-------------------------|-------------|------------|
| Le Furieux          | Le Comte de Blinacq     | 60          | 350        |
| Le Vermandois       | De Betufne              | 63          | 350        |
| Le Lis              | Le Chevalier de Villars | 88          | 600        |
| L' Etonnant, V. A.  | Coetlogon               | 92          | 700        |
| L' Orgueilleux      | Du Palais               | 88          | 600        |
| L' Esperance        | De Lagnion              | 50          | 330        |
| Le Serieux          | Champmelin              | 58          | 380        |
| Le Fleuron          | De Grancey              | 56          | 350        |
| Le Vainqueur        | Le Bailly de Lorraine   | 88          | 600        |
| Le Foudroyant, Ad.  | M. le Comte de Toulouze | 104         | 950        |
| Le Terrible         | De Relingue             | 104         | 900        |
| L' Entreprenant     | De Hautefort            | 60          | 350        |
| La Fortune          | De Baigneux             | 58          | 350        |
| Le Parfait          | Le M. de Chateaumorand  | 74          | 470        |
| Le Magnanime, C. A. | De Pointis              | 84          | 600        |
| Le Sceptre          | Le Comte de Bailly      | 88          | 600        |
| Le Fendant          | De la Luzerne           | 58          | 350        |
|                     |                         | <hr/>       |            |
|                     |                         | 1271        | 8300       |

## Rear, or Blue Division.

| <b>Ships</b>        | <b>Captains.</b> | <b>Guns</b> | <b>Men</b> |
|---------------------|------------------|-------------|------------|
| La Zelande          | Ferville         | 60          | 350        |
| Le St. Louis        | De Beaujen       | 60          | 380        |
| L' Admirable, C. A. | De Cepeville     | 92          | 675        |
| La Couronne         | De Champigni     | 38          | 500        |
| Le Cheval Marin     | De Pontato       | 44          | 260        |
|                     |                  |             | Le         |

*The Appendix.*

| <i>Ships.</i>        | <i>Captains.</i> | <i>Men</i> | <i>Guns.</i> |
|----------------------|------------------|------------|--------------|
| Le Diamant           | Dorogne          | 58         | 350          |
| Le Gaillard          | Du Mont          | 54         | 330          |
| L' Invincible        | Roverois         | 70         | 450          |
| Le Soleil Royal, Ad. | De Langeron      | 102        | 850          |
| L' Ardent            | D' Aligre        | 66         | 400          |
| Le Trident           | De Modefne       | 56         | 350          |
| Le Coureur           | Phelipeaux       | 60         | 380          |
| Le More              | De St. Clair     | 52         | 330          |
| Le Toulouze          | Du Quene Mon.    | 60         | 380          |
| Le Triumphant, V.A.  | De la Harteloire | 92         | 750          |
| Le St. Esprit        | Du Quesne Gui.   | 72         | 490          |
| Le Henry             | Servigni         | 66         | 400          |

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## F R I G A T S.

|              |             |    |     |
|--------------|-------------|----|-----|
| L' Etoile    | Goufon      | 30 | 190 |
| L' Hercule   | Rouvré      | 20 | 170 |
| L' Andromede | Chamilli    | 8  | 85  |
| La Diligence | Mafmet      | 6  | 60  |
| La Meduze    | Roquemadere | 28 | 150 |
| L' Oiseau    | Figuiera    | 36 | 180 |
| La Galatée   | Degorti     | 11 | 120 |
| La Sibille   | Guittosin   | 10 | 70  |

## F I R E - S H I P S.

|                   |            |    |    |
|-------------------|------------|----|----|
| L' Enflammé       | Canvet     | 6  | 40 |
| Le Dangereux      | Du Gay     | 6  | 50 |
| La Turquoise      | De Soutier | 8  | 45 |
| Le Croissant      | Gabaret    | 12 | 50 |
| Le Bienvenu       | Rochambart | 8  | 60 |
| L' Aigle volante, | Kervilly   | 6  | 35 |
| L' Ester          | Canvine    | 6  | 35 |
| Le Violeur        | Renoix     | 10 | 45 |
| Le Lion           | Marquisat  | 8  | 50 |

## F L U T E S.

|              |               |   |    |
|--------------|---------------|---|----|
| Le Rotterdam | Grand' Maison | 6 | 60 |
| Le Portefais | Le Quene      | 6 | 60 |

Total. Guns in the Line 3533, Men 24755. Besides the above-mentioned Men of War, Frigats, Fireships and Flutes, there were 12 French and 11 Spanish Gallies, in all 92 Sail.

Numb.



*The Appendix.*

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Numb. XXIV.

Windfor, September 14.

*This Day Captain Trevor, Commander of Her Majesty's Ship the Triton, arrived here, being sent Express by Sir George Rooke from the Fleet, to give Her Majesty an Account of the Victory obtained over the French Fleet, after the sharpest Engagement that perhaps ever was seen. He brought Letters to his Royal Highness, dated on Board the Royal Catherine, off of Cape St. Vincent, Aug. 27. O. S. 1704, which contain the following Account.*

ON the 9th Instant returning from Watering our Ships on the Coast of Barbary, to Gibraltar, with little Wind Easterly, our Scouts to the Windward made the Signals of seeing the Enemy's Fleet, which according to the Account they gave consisted of 66 Sail, and were about 10 Leagues to Windward of us: A Council of Flag-Officers was call'd, wherein it was determin'd to lay to the Eastward of Gibraltar to receive and engage them; and our Fleet were strengthened with 1000 Marines which were in Garrison at Gibraltar; but perceiving that Night, by the Report of their Signal Guns, that they wrought from us, we followed them in the Morning with all the Sail we could make.

On the 11th we forced one of the Enemies Ships ashore near *Fingerole*; the Crew quitted her, set her on fire, and she blew up immediately. We continued still pursuing them; and the 12th. not hearing any of their Guns all Night, nor seeing any of their Scouts in the Morning, our Admiral had a Jealousie they might make a Double, and by the help of their Gallies slip between us and the Shore to the Westward; so that a Council of War was called, wherein it was resolv'd, That in case we did not see the Enemy before Night, we should

make the best of our way to *Gibraltar*; but standing in to the Shore about Noon, we discovered the Enemies Fleet and Gallies to the Westward, near *Cape Malaga*, going away large: We immediately made all the Sail we could after them, and continued the Chace all Night.

On *Sunday* the 13<sup>th</sup> in the Morning we were within three Leagues of the Enemy, who brought to with their Heads to the Southward; the Wind being Easterly, formed their Line, and lay to receive us. Their Line consisted of 52 Ships, and 24 Gallies; They were very strong in the Center, and weaker in the Front and Rear, to supply which most of the Gallies were divided into those Quarters: In the Center was *Monfieur de Toulouse* with the White Squadron; In the Van the White and Blue, and in the Rear the Blue, each Admiral had his Vice and Rear-Admirals. Our Line consisted of 53 Ships; but the Admiral ordered the *Swallow* and *Panther*, with the *Lark* and *Newport*, and two Fireships, to lie to the Windward of us, that in case the Enemy's Van should push through our Line with their Gallies and Fireships, they might have given them some Diversion.

We bore down upon the Enemy in order of Battle till a little after 10 a Clock, when being about half Gun-shot from them, they set all their Sails at once, and seemed to intend to stretch a head, and weather us; so that our Admiral was obliged to put the Signal out, and begin the Battle, which was continued with very great Fury on both sides; but about 2 in the Afternoon the Enemy's Van gave way to ours, which was commanded by *Sir Cloudefley Shovell*, and led by *Sir John Leake*; as their Rear did to the *Dutch* towards Night; but their Body being very strong, and several of the Ships of the Admiral's, Rear-Admiral *Bynne's*, and Rear-Admiral *Dilkes's* Divisions being forced to go out of the Line for want of Shot, the Battle fell very heavy on the Admiral's own Ship, the *St. George*, and the *Shrewsbury*: This want of Shot was occasioned by our Expence at *Gibraltar*; and though every Ship was supplied to 25 Rounds two days before the Battel, which was judg'd sufficient, and would have been so, if we could have got so near the Enemy as the Admiral intended; yet every

every Ship that was on that Service wanted Ammunition before Night.

The Battle ended with the Day, when the Enemy went away, by the help of their Gallies, to the Leeward. In the Night the Wind shifted to the Northward, and in the Morning to the Westward, which gave the Enemy the Wind of us: We lay by all Day within 3 Leagues of one another, repairing our Defects, and at Night they filed, and stood to the Northward.

On the 15th in the Morning the Enemy was got 4 or 5 Leagues to the Windward of us; but a little before Noon we had a Breeze of Wind Easterly, with which we bore down on them till 4 a Clock Afternoon: It being too late to engage, we brought to, and lay by with our Heads to the Northward all Night.

On the 16th in the Morning, the Wind being still Easterly, hazy Weather, and having no sight of the Enemy, or their Scouts, we filed and bore away to the Westward, supposing they would have gone away for *Cadiz*; but being advised from *Gibraltar*, and the Coast of *Barbary*, that they did not pass the *Streights*, we conclude they have been so severely treated, as to oblige them to return to *Thoulon*, which may prevent any Attempt upon *Gibraltar* this Winter, or the sending any Succours into *Cadiz*, the insulting the Coast of *Portugal*, and constrain them to a Winter passage to *West France*, if they intend any of their Ships thither this Year.

We have not yet the Particulars of the Enemy's Loss. The Marquis *de Villadarias* marching with his Army to Besiege *Gibraltar*, sent a Letter to the Prince of *Hesse*, Governor of that Place, That the *French* had burnt 8 of our Ships, taken 16, sunk 7; and he allows the *French* have lost 4 Men of War and one Galley, and that the Count *de Thoulouse* is wounded. During the Action we saw two of the Enemies Gallies sink, and many of their Ships so disabled, that they were towed off by their Gallies, and we have reason to believe several of them perished; whereas there was not one of Her Majesty's Ships lost, and the *Dutch* lost only one called the *Albermale* of 64 Guns, which blew up by accident the 16th in the Afternoon, after we had lost sight of the Enemy. We lost be-



~~~~~ sides, of the *English* 695 Men killed, and had 1663 wounded, 150 of the latter on Board the Admiral's own Ship, which, for several Hours, received the Fire of the *French* Admiral of 110 Guns, and of his two seconds of 100 Guns each. We had also two Captains killed, and three wounded: Of the *Dutch*, Captain *Liinslager* was killed, and they had 400 Men killed and wounded.

This Battle is so much the more glorious to Her Majesty's Arms, because the Enemy had a Superiority of Six hundred great Guns; a Detachment having been made from our Fleet a few days before of Admiral *Vanderdussen* with Six *Dutch* Men of War, and 4 of her Majesty's Ships sent to the *Terceras*; The Enemy had likewise the advantage of cleaner Ships, being lately come out of Port; and of being better provided with Ammunition, of which we had spent so great a Store in the taking and furnishing of *Gibraltar*; not to mention the use of their Gallies in Towing on or off their great Ships; but all these Disadvantages were surmounted by the Bravery and good Conduct of our Officers, and the undaunted Courage of our Seamen.

The Admiral having left 2000 *English* Marines in *Gibraltar*, with a sufficient quantity of Stores and Provisions, and 48 great Guns, besides 100 that were in the Town before; the Season of the Year being far advanced, will return home with the great Ships, leaving behind him a strong Squadron for the Defence of the Coast of *Portugal*, which will likewise be in a readiness to Succour *Gibraltar*, if there should be occasion.

# The Appendix.

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## A List of Officers and Men Slain and Wounded in the Battel, August 13. 1704.

| SHIPS Names.    | Officers.             |                              | Men.  |          |
|-----------------|-----------------------|------------------------------|-------|----------|
|                 | Slain.                | Wounded.                     | Slain | Wounded. |
| Royal Catherine |                       |                              | 27    | 94       |
| St. George      | Lieut. Jennings       |                              | 45    | 93       |
| Namure          | Carpenter             | Capt. Mynge                  | 18    | 44       |
| Shrewsbury      | 3d Lieut. & Boatswain |                              | 31    | 73       |
| Nassau          |                       |                              | 15    | 26       |
| Grafton         | Sir Andr. Leake       | Boatswain                    | 31    | 66       |
| Monmouth        | 1st Lieutenant        | Capt. Baker                  | 27    | 62       |
| Montague        |                       |                              | 15    | 34       |
| Panther         |                       |                              | 10    | 16       |
|                 |                       |                              | 219   | 508      |
| Barfleur        |                       | 3d & 5th Lieuts. & Chaplain. | 6     | 24       |
| Eagle           |                       | 3d Lieutenant                | 7     | 57       |
| Orford          |                       |                              | 6     | 9        |
| Affurance       |                       |                              | 6     | 14       |
| Warspight       |                       |                              | 17    | 44       |
| Swiftsure       |                       |                              | 13    | 33       |
| Nottingham      |                       |                              | 7     | 19       |
| Tilbury         |                       | 1st & 2d Lieuts.             | 20    | 25       |
| Lenox           | 1st Lieutenant        | Capt. Jumper                 | 23    | 78       |
|                 |                       |                              | 105   | 303      |
| Prince George   |                       | 2d Lieutenant                | 15    | 57       |
| Boyne           |                       | Lieut. Edisbury              | 14    | 52       |
|                 |                       | Mr. & Boatsw.                |       |          |
| Newarke         |                       |                              | 15    | 32       |
| Norfolk         |                       | The Master                   | 15    | 20       |
| Yarmouth        |                       |                              | 7     | 26       |
| Berwick         |                       | The Master & Boatswain       | 23    | 24       |
|                 |                       |                              | 89    | 211      |
| Ranelagh        | Captain Cow.          |                              | 24    | 45       |
| Somerset        |                       |                              | 31    | 62       |
| Firme           |                       |                              | 25    | 48       |
| Tryton          |                       | 1st Lieutenant               | 5     | 21       |
| Dorsetshire     |                       | 3d Lieutenant                | 12    | 20       |
| Torbay          |                       |                              | 21    | 50       |
| Essex           |                       |                              | 13    | 36       |
| Kingston        |                       | Boatswain,                   | 14    | 46       |
|                 |                       | Gunner & Cook                |       |          |
| Centurion       |                       |                              | 10    | 33       |
|                 |                       |                              | 155   | 361      |

|  |   |                        |     |      |
|--|---|------------------------|-----|------|
| Kent                                     |   |                        | 15  | 26   |
| Royal Oake                               |   |                        | 20  | 33   |
| Swallow                                  |   |                        | 1   | 3    |
| Cambridge                                |   | Lieut. <i>Lestock</i>  | 11  | 27   |
| Bedford                                  |   | 2d Lieutenant          | 12  | 51   |
| Monck                                    |   | Capt. <i>Mishells</i>  |     |      |
|  |   | 2d Lieutenant          | 36  | 52   |
| Suffolk                                  |   | & Boatswain            |     |      |
|  |   | Capt. <i>Kirkton</i> , | 13  | 38   |
|  |   | 1st 2d & 3d Lieu.      |     |      |
| Burford                                  |   | Mr. & Boatfw,          | 11  | 19   |
|  |   |                        | 119 | 249  |
| Admiral's Div.                           | 6 | 2                      | 219 | 508  |
| Sir Glo. Shovell's                       | 1 | 7                      | 105 | 303  |
| Sir John Leake's                         |   | 7                      | 89  | 211  |
| Rear Ad. Binge's                         | 1 | 5                      | 155 | 361  |
| Rear Ad. Dilk's                          |   | 10                     | 119 | 249  |
|  |   |                        | 687 | 1632 |
|  |   | Officers               | 8   | 31   |
|  |   |                        | 695 | 1663 |
|  |   |                        |     | 695  |
| Total killed and wounded, <i>English</i> |   |                        |     | 2358 |
| <i>Dutch</i>                             |   |                        |     | 400  |
| Total                                    |   |                        |     | 2758 |

## Numb. XXV.

*A Relation of the Sea-Fight near Malaga on the 24th of August, 1704. N. S. as it was writ from on Board the French Fleet.*

THE 22d Instant, being at Anchor before *Velez Malaga*, whither we were come to Water, our Scouts made a Signal of seeing the Enemy's Fleet. It was then past 3 of the Clock in the Afternoon, and there was so little Wind, that every one judged the Enemy could not come up with us that day; and had we weigh'd Anchor, the Tide, which in that Place is very strong, would have brought our Line into Disorder: So all we did was immediately to send for the Men we had on the Shore, and to order the 24 *French* and *Spanish* Gallies that were with us to place themselves near so many Ships, which they were



were to tow a little before day-light a League out to Sea, and then to come back for the rest and tow them likewise into their Places, that when the Enemy came, they might find us in a Line of Battle. At Night there sprung up a small Gale of Wind from the Land.

The 23d, by break of Day, we weighed Anchor: The Current, which there runs very strong to the Eastward, had carried away the Enemy's Fleet in the Night, so that we had lost sight of them. We went away large in search of them, and about 10 in the Morning our Headmost Ships gave a Signal that they made the Enemy's Fleet, which we saw soon after at a great distance to the Windward. We spent the rest of that Day in preparing for the Engagement, and in making our Line, as well as the little Wind we had would permit.

The 24th, by break of Day, we discovered the Enemy about three Leagues a-Head of us, and bearing towards our Fleet. We were then about 10 or 11 Leagues South of *Malaga*. Their Fleet consisted of three Squadrons: That which bears the White Flag with a Red Cross, was Commanded by Admiral *Shovel*; and was in their Van. The Second Squadron, which carry'd the Union Flag in their Main-Top, was Commanded by Admiral *Rooke*, and was plac'd in their Centre: And the Third, consisting of all the *Dutch* Ships, under Admiral *Callemberg*; as we are told, was in their Rear. We told Seventy four Sail, of which there were 56 that came into the Line; and there were others at a distance, which appear'd to be large Ships, that joyn'd them during the Fight; so that, according to the Report of several Persons, their Line consisted of 60 Sail; in which number were very few small Ships. Our Fleet consisted likewise of three Squadrons, the White and Blue, which was in the Van, Commanded by the Marquis *de Villette*; the White Squadron, Commanded by the Count *de Toulouse*, in the Centre; and the Blue Squadron, under the Command of the Marquis *de Langeron*, in the Rear: As for the Gallies, the Marquis *de Roye* was in the Centre with four of them; the Duke *de Turfis* in the Van with his Seven, and Five other *Spanish* Gallies; and Monsieur *de Fourville* in the Rear, with Eight *French* Gallies.

Being

Being thus dispos'd, we sail'd with a Quarter Wind with our Top-sails up, to the end we might the more easily preserve our Line, and order our Motions as should be judg'd convenient, with regard to the working of the Enemy. We perceiv'd that their Van bore down upon ours, and was already at a great distance from their Centre.

The Marquis *de Villete* thinking he might get a-head of that Squadron with his foremost Ships, made a Signal to the Headmost Ships of our Line, to croud all the Sail they could, and Admiral *Shovell* still bearing down upon us, insensibly found himself in in our Line a-head of us, at some distance from their Centre; we judg'd this to be a favourable Opportunity, and resolv'd to make our Advantage of it, by keeping our Wind, and crowding all the Sail we were able in the Centre, in order to cut off the Enemy's Van from the rest of their Fleet, hoping that if it grew Calm, which usually happens in a Sea-Fight, our Gallies might Tow us, so as that we might make a Double and weather them, and fire upon them on both sides, which would infallibly have hapen'd, could we have put this Design in Execution. But Admiral *Shovel* having discovered our Intentions, immediately clapp'd upon a Wind, and the Admiral of the Enemy's Fleet foreseeing what would be the Consequence of it, gave the Signal for Engaging, and bore down upon us with the Headmost Ships of his Line, which accordingly began the Fight. It was then 10 of the Clock: The whole Line began to Fire; our Ship being in the Centre, I can only give an Account of what pass'd there upon my own Knowledge, and as for what relates to the Van and Rear, I have been oblig'd to rely upon the Report of the Officers employ'd in those Divisions; And our firing rais'd so thick a Smoak, that sometimes we could hardly discern the Ships that were a head and a-stern of us. The firing was very brisk on every side; and the Marquis *de Villete* had undoubtedly gain'd a considerable Advantage over the Enemy's Van, since, as is said, 5 of their Ships had already quitted the Line, if a Bomb had not fallen upon his Poop, and blown it up, setting his Ship on fire, which was in danger of blowing up, had he not bore away out of the Line to repair his Defects, and

and prevent this Misfortune. The same thing happened to Monsieur *de Belle Isle's* Ship, which was set on fire by a Bomb, and thereby obliged to bear away; he himself was killed a little before. As to the Centre, there happened a thing which, perhaps, was never known in a Fight where a whole Line has been engaged, and where the Enemy has the Weather-Gage, which is, that a Ship in the Van of our Admiral's Division, Commanded by Monsieur *de Champmelin*, thrice boarded one of the Enemy's Ships which lay next him, and left her the third time, seeing her on Fire in several Places; but by reason of the great Smoke he could not tell what became of her. He was afterwards so disabled in the hottest of the Engagement, that he was obliged to quit the Line, in order to refit; as was also soon after the *Chevalier de Grancey*, whose Ship had received a-bundance of Shot in her Hull, and was wholly disabled.

The Fight was also very sharp in the Rear; and they believe they saw, from on Board several Ships of that Division, one of the Ships sink with which they were Engaged. Monsieur *de Rouvre*, who was one of Monsieur *de Langeron's* Seconds, having after two Hours Fight, received so many shot that the Water pour'd into his Ship, was obliged to go out of the Line to stop his Leaks. Monsieur *de Roche-Alard* the Elder, who with his Ship of 60 Guns engaged Admiral *Shovell's* of 90 Guns, was also oblig'd to quit the Line, his Ship having received many Shot, and being totally Disabled; the *Chevalier d'Osmond*, and Monsieur *de Poulett*, who Commanded but small Ships, and were engaged with others which were much larger, were forced to follow his Example. We also saw many of the Enemy's Ships which retir'd out of the Battel, but we generally kept our Line; and upon the whole Matter it was the Enemy that desir'd to give over, and to bear off, keeping the Wind as much as was possible. The Baily of *Lorrain*, who was one of our Admiral's Seconds, always kept his Post a-head of him, and did all that could be expected from a very Brave Man, until he was kill'd: And Monsieur *Grandpré*, who after his Death took upon him the Command of that Ship, must have that Justice done him to say, That we did



did not miss the Bailiff, his Ship performing still all that could be desir'd. Monsieur de *Relingue*, our Admiral's other Second, who fought a-stern of him, did likewise answer all the Expectations that could be had from one who is known to be so good an Officer as he is; he had his Leg shot off after he had fought about two Hours; and Monsieur de *Roche-Alard* the Younger, who after this Accident commanded that Ship, did also maintain his Post so well, made so great a Fire, and did it with so much Judgment, that there was no want of anything whereby we might discover that Monsieur de *Relingue* was wounded. The Battle ended in the Van between Four and Five in the Afternoon; in the Centre at near Seven; and in the Rear the Enemy kept still firing after Night was come on, but it was at such a distance, that their Shot could hardly reach us. There cannot too much be said in praise of the Officers of the Admiral's own Ship, and of the Guards *de la Marine*, who both shewed all the Valour and the Sedateness that could be desired. Should one attempt to say all that is to be said in the Commendation of every Officer in the Fleet, there would never be an end of it, all having behaved themselves like Men of Courage and Resolution. All that troubles us, is the great Number of brave Men we have lost in this Occasion; but a Battle like this, can never happen without the loss of a-bundance of gallant Men.

We continued the Night after the Engagement within Cannon-Shot of one another; all the Ships in our Fleet carried their Lanthorns out, but of the Enemy, the Flags only had any Lights aboard.

The 25th. in the Morning, the Wind being changed and chopped about to the Westward, the Two Fleets formed each their Line a-new, having been put into Disorder by the Currents, the Calm, and the Darkeness of the Night. The Fleets were then about a League asunder, and in this Posture steered along the *Spanish* Coast, each having occasion to repair their Defects; in the doing of which, all that Day was employed. It seemed to us, that the Enemy were very willing to get insensibly to a farther Distance from us, and in effect they managed it so, as that when Night came on they were 3 Leagues from us. Then they turned their Heads towards the

the *Barbary* Coast; as for us, we still continued our Course towards the Coast of *Spain* till Midnight, and then tacked about towards the Coast of *Barbary*, in order to meet our disabled Ships, which could not keep up with us, and to the Windward of the Enemy. By the means of having thus altered our Course, we found our selves next Morning pretty near one another; but the Wind came about again to the East, and then the Enemy being about 4 Leagues to Windward of us, had a fair opportunity of renewing the Fight, if they had thought fit; but they did not appear to have any Inclination to it. They kept us Company all Day, without approaching any nearer. In the Night, the Wind being still at East, we kept on our Course, making towards the *Spanish* Coast, whither we were willing to carry our Gallies, which were in a Sea very hazardous for Vessels of that built, and to put off from the *Barbary* Coast, fearing we should have been carried too near to it by the dangerous Currents which drive to the Landward. It is probable the Enemy made use of that Wind to get back to the *Streights*, for we have not heard of them since; and tho' several Frigats have been sent out to observe them, we have not yet been able to discover what Course they steered; but if they went off towards the *Streights*, they have left us in Possession of the Field of Battle; and do thereby confess, That they do not desire to have any more to do with us, unless they have yet a greater Superiority.

For our part, we are returned to the same *Velez Malaga*, where they came upon us, and where we expect to hear from them, and design, in the mean time, to take in Water. I had forgot to mention, That about 3-a-Clock two Frigats advanced towards our Admiral, which were taken to be Fireships that were endeavouring to come up to us by the Favour of a very great Fire which Admiral *Rooke*, and his Second, made upon him, but they were two Bomb Ketches that fired several Bombs at him, as was observ'd from the Frigats which we had on each Wing, for we could not so well discern it by reason of the great Fire.

The Enemy had all the Advantages on their side that they could desire, the Superiority in Number of Ships, the Wind of the King's Navy, which continued

nued to blow fresh during the whole Fight, and the Sea agitated enough to prevent our receiving, from the Gallies, all the Assistance that was to be Expected from the good Disposition of those on Board them; notwithstanding all which, they did Tow two Ships in our Rear, which were fallen much to the Leeward, and brought them again into the Line. And they ought greatly to be prais'd, for having with so much Resolution continued as they did, in a Sea so dangerous as that is, especially since our having lost Gibraltar.

We have been assured, That they sunk one of the Enemy's Ships in the Van; if so, the Enemy must have lost two.

*A LIST of the Officers and Persons of Note, who were Kill'd or Wounded in the Engagement.*

#### K I L L E D.

**M**onsieur de Belle Isle, a Flag Officer.  
The Bailly de Lorraine.

The Chevalier de Lanion, Captain of a Man of War.  
The Chevalier Philippeaux, } Dead, since the Fight,  
Monsieur des Jumeaux, } of their Wounds.

— La Roche Vexangay.

— de Talon, Commissary.

— de Boulain Villiers, one of the Count de Toulouse's Gentlemen.

— de Brodeau. Captain of a Frigate.

— Tesu, Adjutant.

— de Schut, Lieutenant of a Man of War.

— de Rauser, Master of the same Ship.

— de Fricambaut.

— de Imblanam, Ensign of a Man of War.

— de Martel.

Monsieur de Brinon, } Dead of their Wounds.  
— de Morillac. }

The Count de Chateaurenard.

Monsieur Dacis, Adjutant of the Artillery.

Two of the Count de Toulouse's Pages.

Monsieur Bartosy, one of the Bailly of Lorrain's Gentlemen.

#### W O U N D E D.

The Count de Relingue, Lieutenant-General.

Monsieur du Cassé, a Flag Officer, dangerously wounded.

The Count de Seprville.

Monsieur



## The Appendix.

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Monsieur d'Arbault, Intendant General.

The Chevalier de Cominge, dangerously wounded.

Monsieur des Noes Channelin.

\_\_\_\_\_de Valineour, the Count de Toulouse's Secretary.

\_\_\_\_\_de Gabaret, Exempt of the Spanish Guards, very dangerously wounded.

The Marquis de Chateaurenaud, very dangerously wounded

Monsieur des Trans.

The Chevalier de Montgen.

Monsieur des Blotieres.

\_\_\_\_\_de Sommern.

\_\_\_\_\_de Terceville, Major. } Both very dangerously

wounded.

The Chevalier de Roche-Alard.

Monsieur de St Maur.

\_\_\_\_\_de Binel.

\_\_\_\_\_de Couresdolo.

\_\_\_\_\_de Voluire.

\_\_\_\_\_de Balincourt.

\_\_\_\_\_de Casaro.

\_\_\_\_\_de Falconnieres, Commissary.

\_\_\_\_\_de Sainte Hermine.

\_\_\_\_\_de Villeroy, Captain of a Frigate, dangerously wounded.

\_\_\_\_\_de Vienne de Bousserole.

\_\_\_\_\_Le Clerc du Canal.

\_\_\_\_\_de Canebot.

\_\_\_\_\_du Marché Fallieze, Lieutenant.

\_\_\_\_\_Michaut.

\_\_\_\_\_de Han.

\_\_\_\_\_de Belleville de la Proutieze.

\_\_\_\_\_de Ville.

\_\_\_\_\_de Septem.

\_\_\_\_\_de St. Lazare, dangerously wounded.

\_\_\_\_\_Polastron.

\_\_\_\_\_de Girenton.

\_\_\_\_\_Darcy, dangerously wounded.

\_\_\_\_\_de Caleville.

\_\_\_\_\_d'Arcussias d'Esparon.

\_\_\_\_\_de Rocao.

\_\_\_\_\_de Garis.

\_\_\_\_\_de Biache, dangerously wounded.

\_\_\_\_\_de Freville.

\_\_\_\_\_de Ligourdes.

\_\_\_\_\_de Castellat-Lombard.

\_\_\_\_\_de Beauford.

\_\_\_\_\_d'Erville.

\_\_\_\_\_Dalmans.

\_\_\_\_\_de Boisouche Morelle, Captain of a Fire-ship

\_\_\_\_\_de Bailleul.

\_\_\_\_\_de Caux.

de Bremaisseau

\_\_\_\_\_ de Bremaistaux.  
 \_\_\_\_\_ de l'Etendue.  
 \_\_\_\_\_ de Nolite, very much wounded.  
 \_\_\_\_\_ Kideaux.  
 \_\_\_\_\_ de Milet.  
 \_\_\_\_\_ de Guittard, much wounded.  
 Monsieur des Ronnieres.

\_\_\_\_\_ Dache.  
 \_\_\_\_\_ Dasbartas.  
 The Chevalier de Bodinos.  
 Monsieur Latolay.

\_\_\_\_\_ de Becheron.  
 \_\_\_\_\_ de Baiffie.  
 \_\_\_\_\_ de Peltrém.  
 \_\_\_\_\_ Darmilliers.  
 \_\_\_\_\_ du Menil, dangerously wounded.  
 \_\_\_\_\_ Descoulaces.  
 \_\_\_\_\_ des Liguieres.  
 \_\_\_\_\_ de Montgiron.  
 \_\_\_\_\_ de Bonvalle, dangerously wounded.  
 \_\_\_\_\_ de Kirin.  
 \_\_\_\_\_ de Messon.

Four of Count de Toulouse's Pages.

### Guards of Marine KILLED.

Monsieur Vincent, Brigadier.

\_\_\_\_\_ Choupillart.  
 \_\_\_\_\_ d' Ecre.  
 \_\_\_\_\_ Guillé.  
 \_\_\_\_\_ Drumaiz.  
 \_\_\_\_\_ de Pargue Defors.  
 \_\_\_\_\_ la Roche Codogen.  
 \_\_\_\_\_ Brassin.  
 \_\_\_\_\_ du Brueuil.

The Chevalier de Lanion.

Monsieur Biemon.  
 \_\_\_\_\_ Champagne.  
 \_\_\_\_\_ Martiarville.  
 \_\_\_\_\_ de Caudray.  
 \_\_\_\_\_ Sainte Hermine.

### WOUNDED.

Monsieur de Peraes, Brigadier.

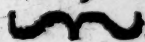
\_\_\_\_\_ La Grenadiere, Sub-Brigadier.  
 \_\_\_\_\_ Bouchart des Pallessous, since dead.

Don Pedro de Lezo.

Monsieur du Quenel.

\_\_\_\_\_ Lambert.  
 \_\_\_\_\_ Moulart.

de Preville.



\_\_\_\_\_ de Preville.  
 \_\_\_\_\_ de Tourtelais.  
 \_\_\_\_\_ Pepine.  
 \_\_\_\_\_ Dercy.  
 \_\_\_\_\_ Saint Eugene.  
 \_\_\_\_\_ Tremes.  
 \_\_\_\_\_ Beaumont.  
 \_\_\_\_\_ Beauvais.  
 \_\_\_\_\_ Koual de Kilimade.  
 \_\_\_\_\_ Peruse.  
 \_\_\_\_\_ Canier.  
 \_\_\_\_\_ Villeran.  
 \_\_\_\_\_ Pautie.  
 \_\_\_\_\_ Trufalegue, dangerously wounded.  
 \_\_\_\_\_ Croixmare.  
 \_\_\_\_\_ Tremignon.  
 \_\_\_\_\_ Del' Isle Gouchard.  
 \_\_\_\_\_ Barnouin.  
 \_\_\_\_\_ de Silley.  
 \_\_\_\_\_ Chaisy.  
 \_\_\_\_\_ d' Aumale.  
 \_\_\_\_\_ du Merle.  
 \_\_\_\_\_ Chardin.  
 The Chevalier d' Argencon.  
 Monsieur Carichon.  
 \_\_\_\_\_ Perrin.  
 \_\_\_\_\_ Montaguille.  
 \_\_\_\_\_ la Baradaire, dangerously wounded.

A Letter written from Madrid, by the Duke de Grammont, to the Count de Marfan, and dated Sept. 5. N. S.

S I R,

' YOU know how much I honour you, and how  
 ' great an Affection I have for you; you will  
 ' therefore easily believe that I am very deeply con-  
 ' cern'd for your Loss in the Bailly of Lorraine, who  
 ' fell like an old Roman. Poor Man! a Cannon Ball  
 ' taking off part of his Belly, and his Bowels falling  
 ' out, he gather'd them up with his own Hands and  
 ' put them in again; and observing his Officers and  
 ' Seamen extreamly troubled to see him in that Con-  
 ' dition; he told them, *He did not want their Pity;*  
 ' *and bid them keep every one to his Post, and redouble*  
 ' *their Fire;* Soon after he had said this, he expir'd.  
 ' Believe me, I weep like a Child while I am descri-  
 ' bing

E



bing to you the manner of his Death : I have done  
 my self the Honour to send the King the same  
 Account of it I do to you ; for the Memory of a  
 Man of such uncommon Worth, cannot be too  
 much honour'd. I am griev'd for poor Monsieur  
*le Grand*, to whom I desire you to shew my Letter,  
 after he has receiv'd this cruel News from other  
 Hands ; for I am loath he should have it first from  
 mine.

Our Count perform'd Wonders, and is ador'd  
 by the Seamen. He receiv'd a slight Hurt on the  
 side of his Head by a Splinter, and had part of his  
 Neckcloth torn off by another, four of his Pages  
 were kill'd or maim'd by his side. *Gabaret* was  
 kill'd. *Valincourt* wounded, the Brother of *Des-*  
*plasson* kill'd, the *Chevalier de Comminges* wound-  
 ed. A great number of Guards Marine were kill'd  
 or wounded. The Count took his Snuff, and stood  
 perfectly unconcern'd. One *Grandchamp*, who  
 belongs to the King of *Spain*, and who was dis-  
 patched by me to the Count, and was upon the  
 Deck by him all the while the Fight lasted, related  
 to me yesterday what I do my self the Honour to  
 write to you.

### Numb. XXVI.

*Sir Cloudesly Shovell's Letter, dated from on Board  
 the Barfleur, near the Cape. August 28.  
 1704.*

His brings the News of my Health, and that we  
 are on our way Homeward : That which  
 sends us home so soon is, a very sharp Engagement  
 with the *French* ; our number of Ships that Fought  
 in the Line of Battle were pretty equal, I think  
 they were 49, and ours 53, but Sir *George Rook* re-  
 serv'd 2 or 3 of the 50 Gun-ships, to observe if they  
 attempted any thing with their Gallies, of which  
 they had 24. Their Ships did so far exceed in  
 bigness, I judge they had 17 Three Deck Ships,  
 and we had but 7. The Battle began on Sunday  
 the 13th Instant, soon after 10 in the Morning, and  
 in the Center and Rear of the Fleet it continued  
 till

'till Night parted; but in the Van of the Fleet,  
 'where I Commanded, and led by Sir John Leake,  
 'we having the Weather-Gage, gave me an oppor-  
 'tunity of coming as near as I pleas'd, which was  
 'within Pistol-shot, before I fir'd a Gun, thro which  
 'means, and God's assistance, the Enemy declin'd  
 'us, and were upon the Run in less than 4 Hours,  
 'by which time we had but little Wind, and their  
 'Gallies tow'd off their lame Ships, and others, as  
 'they pleas'd; for the Admiral of the White and  
 'Blue, with whom we fought, had 7 Gallies tended  
 'on him. As soon as the Enemy got out of reach of  
 'our Guns, and the Battle continuing pretty hot a-  
 'stern, and some of our Ships in the Admiral's Squa-  
 'dron towed out of the Line, which I understood af-  
 'terwards was for want of Shot, I ordered all the  
 'Ships of my Division to slack all their Sails, to  
 'close the Line in the Centre; this Working had  
 'that good effect, that several of the Enemy's Ships  
 'astern which had kept their Line, having their Top-  
 'sails and Fore-sails set, shot up abreast of us, as the  
 'the Rear Admiral of the White and Blue, and some  
 'of his Division; and the Vice Admiral of the White,  
 'and some of his Division; but they were so warm-  
 'ly receiv'd before they got a Broad-side, that with  
 'their Boats a-head, and their Sprit-sails set, they  
 'tow'd from us, without giving us the opportunity  
 'of firing at them.

'The Ships that suffer'd most in my Division were,  
 'the *Lenox*, *Warspight*, *Tilbury* and *Swiftsure*, the  
 'rest escap'd pretty well, and I the best of all, tho'  
 'I never took greater pains in all my Life to have  
 'been soundly beaten; for I set all my Sails, and  
 'rowed with 3 Boats a Head, to get a Long side with  
 'the Admiral of the White and Blue; but he out-  
 'sailing me, shun'd Fighting, and lay a Long-side  
 'of the little Ships: Notwithstanding the Engage-  
 'ment was very sharp, and I think the like between  
 'two Fleets never has been in any time. There is  
 'hardly a Ship that must not shift one Mast, and  
 'some must shift all, a great many have suffer'd  
 'much, but none more than Sir *George Rooke*, and  
 'Capt. *Jennings* in the *Monk*. God send us well  
 'Home: I believe we have not three spare Top-  
 'Masts, nor three Filhes in the Fleet, and I judge

there is ten Jury Top-Masts now up. After the Fight we lay two days in sight of the Enemy, preparing for a second Engagement, but the Enemy declin'd, and stood from us in the Night. I am of Opinion the Enemy wou'd have given way in the Center before Night, had not several of our Ships tow'd out of the Line of Battle for want of Shot, and the *Dutch* were in the Rear with little Ships (the Admiral carrying but 64 Guns) they fought very well, but had not weight enough to make the Enemy give way. We did not lose one Ship, nor can I Say the Enemy lost any. Of our Captains, Sir *Andrew Lake* and *Cow*, were kill'd, and *Mings*, *Kirton*, *Jumper*, and *Baker* were wounded, but are like to do well: Of the Lieutenants, Capt. *Jennings's* Son, and *Lestock's* youngest Son, and some others, kill'd. Amongst the wounded are *Edisbury*, my 3d. and 5th. Lieutenants, but like to do well. Mr. *Cary* tells me there is about 3000 kil'd and wounded 300 of which are *Dutch*. Two days after the Engagement, the *Dutch* Admiral's Ship, by an unknown Accident, blew up, only 9 Men sav'd: They lost none in the Fight. 'Tis Reported in *Spain*, that the Enemy had 4 Ships and Gallies sunk,

*Tours, &c.*

Gibraltar, August the 22d.

*Honest Ned,*

EVERY one here are endeavouring to send their Friends an Account of the late Fight we have had, in which I can pretend to give you nothing more material than what you will receive by other Hands; However because it may be more acceptable from me, than what is publickly related of it I send you the following Particulars.

Having Intelligence that the *French* Fleet were near us, and being confirm'd in that Opinion by the Chasing one of their Scouts a-shoar, which was burnt, (she appear'd to be a Ship of 60 Guns) it was resolv'd to fight them, notwithstanding the great Detachment that had been made from our Fleet just before; and the terrible Account given us of the Enemy, by a *Spanish* Bark, who told us they were 70 Sail, besides 30 Gallies and Fire-ships: But these were Rogues who pretended they were



‘ were coming to sell Provisions to our Fleet, when  
 ‘ the plain case was, they only mistook us for the  
 ‘ *French*, and were come but as Spies ; however, the  
 ‘ respect we are fain to shew the *Spaniards*, oblig’d us  
 ‘ to take their words, much against my Inclination,  
 ‘ who was on Board of her :

‘ On the 12th Instant about Noon, we discover’d  
 ‘ the *French* Fleet, when every thing was put in order  
 ‘ to Engage them. ’Tis impossible to express the  
 ‘ universal chearfulness our Men shew’d when they  
 ‘ found they should Fight, and on Board our Ship  
 ‘ they were as merry and chearful in the midst of the  
 ‘ Engagement, as tho’ they had been at one of their  
 ‘ *Chatham* Landladies, joking with one another, and  
 ‘ making remarks upon the *French* Ship we were  
 ‘ Engag’d with, which we had maul’d cursedly, and,  
 ‘ in my Opinion, Count *Thoulouse* never carried the  
 ‘ Ship far ; I am sure, if they had got the advantage to  
 ‘ have chas’d us, we shou’d have been forc’d to have  
 ‘ sunk 4 or 5 of ours, that we could never have car-  
 ‘ ried off ; therefore the Consequence makes it plain  
 ‘ ( besides their being generally more damag’d than  
 ‘ we ) that they lost several Ships during the Chase.

‘ On the 13th we came up with the *French* in the  
 ‘ Morning betimes, and about 10 were at it Pell-  
 ‘ Mell, and I believe never any thing was so fierce  
 ‘ and eager on both sides, as it was for three hours, at  
 ‘ which time Sir *Cloudesly Shovel*, who had the Van,  
 ‘ broke thro’ the Van of the *French*, who bore away,  
 ‘ and would never stand him afterwards. Count  
 ‘ *Thoulouse* had got most of their best Ships in the  
 ‘ Centre, where the Dispute was sharpest ; and He,  
 ‘ and Sir *George Rook*, pass’d the usual Compliments  
 ‘ upon one another all day long ; and tho’ he had  
 ‘ two Hundred Gun Ships to his Seconds, he had  
 ‘ enough of the business, and made several Motions  
 ‘ to be gone, in the end Sir *George* handled him so  
 ‘ handsomly, that he was forc’d to be tow’d off by  
 ‘ two Gallies ; Admiral *Dilks*, with his Squadron,  
 ‘ bore out of the Line, which at first gave us some  
 ‘ Umbrage of his being disordered ( which hapned  
 ‘ only by his wanting Shot to maintain the Fight  
 ‘ any longer ) but by this time the *Dutch* had broke  
 ‘ the Rear of the *French*, which restor’d and clear’d  
 ‘ all again. The *Dutch*, on their Parts, fought like

' Devils, and were continually pelting the *French* ;  
 ' They were, for the most part, less Ships than those  
 ' they Engag'd, yet they gave the Enemy their  
 ' Belly ful, and made them glad to Sheer away : I  
 ' spoke with one of a *Dutch* Crew belonging to a  
 ' Ship call'd, *The Princess Emilia*, and he said a *French*  
 ' Gally sunk along their side, and that a *French* Ship  
 ' sunk her self to hinder her being taken, when they  
 ' had hemm'd her in among them. I don't know  
 ' how you Christen this Battle at home, but we call  
 ' it here a Victory, in that we had Honour to Chase  
 ' them all the next day, and dare 'em to Engagement  
 ' again, which we cou'd not, by any manner of  
 ' Obligation, bring 'em to. Nay, they had the  
 ' Weather Gage and a fresh Gale to have poured  
 ' down upon us ; but no Encouragement was suffici-  
 ' ent to draw them to fight us again ; which must  
 ' be an Argument, ( considering the advantage they  
 ' had of being both bigger Ships, and better Mann'd,  
 ' clean Ships, and had Gallies to Tow them off and  
 ' on ) that they were sufficiently Bang'd the Day  
 ' before, and durst not trust Fortune any more, for  
 ' fear of being totally ruin'd ; for if the *French* lost  
 ' no Ship in the Battle, and had the opportunity of  
 ' being remann'd out of the Gallies, ( as many of  
 ' 'em were during the dispute ) and the advantage of  
 ' ours being weakly Mann'd, and inferiour in num-  
 ' ber to 'em, Count *Thoulouse* may go Home and  
 ' tell the *French* King, that he had an opportunity  
 ' to have destroy'd the Confederate Fleet, if it had  
 ' not been for fear of being beaten himself ; as cer-  
 ' tainly if they had not been dismally handled the  
 ' day before, or had believ'd they had got any ad-  
 ' vantage of us, they would have attempted, and in  
 ' all likelihood might have perform'd it too ; but  
 ' the truth is, *Ned*, they were confoundedly brush'd,  
 ' and durst as well be Hang'd as trust us any more.  
 ' Two Ships there were certainly sunk of 'em, and  
 ' 2 Gallies in the Fight ; and others, I hear, wou'd  
 ' hardly hang together, especially one Ship that  
 ' we had engag'd, which we could easily have car-  
 ' ried off, had she not been Succour'd by two large  
 ' Ships, that came pouring their Broadfides upon us  
 ' and oblig'd us to keep our Station. I believe, in  
 ' the Van, Commanded by Sir *Cloudesty*, where we  
 ' fought

' fought, it was, for three hours, the sharpest and  
' Bloodiest Encounter that ever happen'd; we lost  
' our Mizen Mast and Fore-Yard, and had all our  
' Rigging cut to pieces; but for the Ship that fought  
' us first, she had nothing but the Splinter of a Mast  
' standing, and had hardly a whole stick in her side;  
' but she that undertook us next was one of the Big-  
' est in the *French* Line of Battle, who paid us off,  
' tho' I think she got little by us. I told you I had  
' a Splinter in my Head, at which shot there was  
' two or three wounded besides my self; it was  
' something troublesome till I had been dress'd, and  
' then I came upon Desk again. 'Twas a Devilish  
' Fatigueing day, and when we had done, I slept  
' like a Pig; we had 13 Men kill'd, and 36 wound-  
' ed. Sir *George Rooke* has got abundance of Repu-  
' tation by this Engagement, both by his prudent  
' Conduct in ordering the Fleet, and by his Honour-  
' able Acquittment to Count *Thoulouse*, who he  
' forc'd to be tow'd out of the *Line*. There's no  
' Man cou'd behave himself with more Gallantry,  
' nor shew a greater earnestness to Engage, than  
' all our Captains say he did; and indeed, I never  
' saw a Fleet better ordered, nor Battle better fought  
' in my Life. And now *Ned*, having (I suppose)  
' sufficiently tir'd your patience, and my self with  
' Writing, I take leave to conclude (with my Ser-  
' vice to all my Friends) Dear *Ned*,

Your ever oblig'd and faithful Friend.

Numb. XXVII.

*An Abstract of the Bill Entituled, An Act for  
Preventing Occasional Conformity; As it passed  
the House of Commons, the Fourteenth Day of  
December, 1704.*

**W**Heareas an Indulgence to Consciences truly  
scrupulous is agreeable to the Christian Re-  
ligion, and particularly to the Doctrine of the  
Church of *England*; and therefore an Act passed  
in the First Year of the Reign of the late King  
*William* and Queen *Mary* of Glorious Memory, En-  
tituled, *An Act for exempting their Majesty's Protestant  
Subjects dissenting from the Church of England, from*



*the Penalties of certain Laws; which Act ought inviolably to be observed: Yet forasmuch as it is Enacted, by an Act made in the Thirteenth Year of the Reign of the late King Charles the Second, Entituled, An Act for the Well Governing and Regulating of Corporations; and also by another Act made in the 25th Year of the Reign of the said King Charles the Second, Entituled, An Act for preventing Dangers which may happen from Popish Recusants; That the Persons to be admitted into the Offices and Employments therein mentioned, should receive the Sacrament of the Lord's Supper according to the Rites and Usage of the Church of England, by which Acts it was manifestly intended, That such Persons should be and continue Conformable to the Church of England, as it is by Law established: And forasmuch as the said Acts have been most notoriously and scandalously eluded by many Dissenters from the Church of England, who have received the Sacrament of the Lord's Supper, in order only to have or retain such Offices and Employments as aforesaid, and to evade the Penalties of the said Laws; and have afterwards withdrawn themselves from the Communion of the Church of England, and resorted to Conventicles or Meetings, for the Exercise of Religion in other Manner than according to the Liturgy and Practice of the Church of England.*

*For the preventing therefore such scandalous and irreligious Practices for the future, and the evil Consequences thereof,*

*Be it Enacted, &c. That if any Persons, after the 25th. of March 1705. &c. See the first Enacting Clause of this Bill, (Number VII. of the Appendix of the 2d Volume of these Annals,) which is exactly the same with this.*

*And, Be it further Enacted, That every Person convicted in any Action, to be brought as aforesaid, or upon any Information, Presentment, or Indictment, in any of Her Majesty's Courts at Westminster, or at the Assizes, shall be disabled from thenceforth to hold such Offices, or Employments, or to receive any Profit or Advantage by reason of them or of any Grant, as aforesaid, and shall be adjudg-*

*ed*

ed incapable to bear any Office or Employment whatsoever, within the Kingdom of *England*.

*Provided always*, And be it further Enacted, That if any Persons who shall have been Convicted, as aforesaid, and thereby made incapable to hold any Office or Employment, or to receive any Profit or Advantage by reason of them or of any Grant as aforesaid, shall, after such Conviction, Conform to the Church of *England*, for the space of One Year, without having been present at any Conventicle, Assembly or Meeting, as aforesaid, and receive the Sacrament of the Lord's Supper, according to the Rites and Usage of the Church of *England*, at least Three times in the Year, every such Person or Persons shall be capable of the Grant of any of the Offices or Employments aforesaid.

*Provided also*, And be it further Enacted, That every such Person so Convicted, and afterwards Conforming in manner as aforesaid, shall at the next Term after his Admission into any such Office or Employment, make Oath in Writing, in some one of Her Majesty's Courts at *Westminster*, in publick and open Court, or at the next Quarter-Sessions for that County or Place where he shall reside, between the Hours of Nine and Twelve in the Forenoon, That he hath Conformed to the Church of *England* for the space of One Year before such his Admission, without having been present at any Conventicle, Assembly or Meeting, as aforesaid, and that he has received the Sacrament of the Lord's Supper at least Three times in the Year; which Oath shall be there Enrolled and kept upon Record.

*Provided*, That no Person shall suffer any Punishment for any Offence committed against this Act, unless Oath be made of such Offence before some Judge or Justice of the Peace (who is hereby Empowered and Required to take the said Oath) within Ten Days after the said Offence committed, and unless the said Offender be Prosecuted for the same within Three Months after the said Offence committed, nor shall any Person be Convicted for any such Offence, unless upon the Oaths of two credible Witnesses at the least.

*Provided always*, That this Act, or any thing therein contained, or any Offence against the same,

shall not extend or be judged to take away or make void any Office of Inheritance; nevertheless so as such Person having or enjoying any such Office of Inheritance, do or shall substitute and appoint his sufficient Deputy (which such Officer is hereby empowered from time to time to make or change, any former Law or Usage to the contrary notwithstanding) to exercise the said Office, until such time as the Person having such Office shall Conform as aforesaid.

\* First Additional Clause.

*Provided always,* \* And be it hereby further Enacted, That no Protestant Dissenter who shall make Oath in Writing, in some one of Her Majesty's Courts at *Westminster*, or at the Quarter-Sessions in the County where he resides, between the Hours of Nine and Twelve in the Forenoon, that he cannot in good Conscience conform to the Liturgy, and receive the Sacrament of the Lord's Supper according to the Usage of the Church of *England*, shall be compelled or compellable to take, serve, hold, or bear any Office or Place whatsoever, for the taking, serving, or holding whereof he cannot be duly Qualified by Law, without receiving the Holy Sacrament, according to the Usage of the Church of *England*, any Statute, Law, Usage, or other thing to the contrary notwithstanding.

† Second Additional Clause.

*Provided nevertheless,* † That this Act shall not extend to exempt any Freeman, or Member of any Corporation, City, Town, Borough, Cinque-Port, and its Members, or other Port-Town, from any Fine or Penalty, which by the particular Laws or Usage of that Corporation or Place, is or may be Lawfully set or imposed for refusing any Office or Trust relating to or concerning the Government of the respective Corporations or Place, any thing in this Act contained to the contrary notwithstanding.

### Numb. XXVIII.

*The Preamble to the Act for the better Enabling her Majesty to Grant the Honor and Manner of Woodstock, with the Hundred of Wootton, to the Duke of Marlborough.*

Most Gracious Sovereign, whereas the eminent and unparallel'd Services perform'd to your Majesty, and the Crown of *England*, by the Most Noble



Noble *John Duke of Marlborough*, are well known, not only to your Majesty and all your Subjects, but to all *Europe*, who will always remember, That the Alliances which your Majesty's Royal Brother King *William the Third*, of Glorious Memory, had, in a little time before his Death, Contracted, by the Ministry of the said Duke of *Marlborough*, as his Majesty's Ambassador Extraordinary and Plenipotentiary to the States General of the United Provinces, for preserving the Liberties of *Europe* against the Ambition of *France*, were immediately after your Majesty's happy Accession to the Throne, by the said Duke, then employ'd by your Majesty in the same Character, Confirm'd and Improv'd, and others were Contracted, whereby the Confederacy, which had been dissolved at the end of the last War, was Re-united in a stricter and firmer League : And that in the first Year of your Majesty's Reign the said Duke of *Marlborough* did so well execute the Commission and Orders which he receiv'd from your Majesty as Captain General and Commander in Chief of your Majesty's Forces, That he not only secur'd and extended the Frontiers of *Holland*, by taking the Towns and Fortresses of *Venlo*, *Ruremond*, *Stevenswaert* and *Liege*, but soon obliged the Enemy ( who had been at the Gates of *Nimeghen* ) to seek shelter behind their Lines ; And the next Campaign, by Taking *Bon, Huy* and *Limbourg*, added all the Country between the *Rhine* and the *Maes* to the Conquests of the preceding Year. And that in the Memorable Year 1704, when your Majesty was Generously pleas'd to take the Resolution of Rescuing the Empire from that immediate Ruin, to which, by the Defection of the Elector of *Bavaria*, it was exposed, the Measures, which by your Majesty's Wisdom and Goodness, had been Devised and Concerted, were pursued by the said Duke with the utmost Diligence, Secresy and good Conduct, in leading the Forces of your Majesty, and your Allies, by a long and difficult March, to the Banks of the *Danube*, where the said Duke, immediately upon his Arrival, did attack and force the *Bavarians* ( assisted by the *French* ) in their strong Intrenchments at *Schellenberg*, passed the *Danube*, distressed the Country of *Bavaria*,, and a 2d. time fought the Enemies, who

who had been Reinforc'd by a Royal Army of the French King's best Troops, Commanded by a Marechal of France, and on the 2d. day of August, 1704. after a Bloody Battle at or near *Blenheim* (altho' the Enemies had the advantage of Number and Situation) did gain as Absolute and Glorious a Victory, as is Recorded in the History of any Age; by which *Bavaria* being entirely reduced, *Ratisbon*, *Ausburg*, *Ulm*, *Memmingen*, and other Imperial Towns recovered, the Liberty of the Diet, and the Peace of the Empire was restored, and *Landau*, *Treves* and *Traerbach* being taken, the War is carried into the Dominions of France. And forasmuch as the happy Atchievements of the said Duke, having apparently tended not only to the Honour and Safety of your Majesty and your Subjects, and of their Posterity, but also towards the future Tranquility of Europe; your Majesty's most Dutiful and Loyal Subjects, the Commons of England in Parliament Assembled, thought themselves obliged, in an humble Address to your Majesty, not only to express their great Sence of the said Glorious Victories, but also humbly to desire your Majesty, that you would be Graciously pleased to consider of some proper Means, to perpetuate the Memory of such signal Services: And your Majesty having been thereupon pleased to signify your Intentions, to grant the Interest of the Crown, in the Honour and Mannor of *Woodstock*, and the Hundred of *Wootton*, to the said Duke and his Heirs; your Majesty's said Dutiful and Loyal Subjects, the Commons of England in Parliament Assembly, duly considering the Good and Prudent Provisions made by your Majesty, by an Act of Parliament in the first Year of your Reign for preserving the Inheritance of several Revenues of the Crown, and believing, that the Settlement of the said Honour, Mannor, and Hundred on the said Duke, and his Heirs, can make no Precedent for Cases, where there is, or shall be less Merit do most Humbly, Cheerfully and Unanimously beseech your Majesty, That it may be Enacted, &c.

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